

CITY OF SEBASTOPOL CITY COUNCIL  
AGENDA ITEM REPORT FOR MEETING OF: December 3, 2024

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**To:** Honorable Mayor and City Councilmembers  
**From:** Ronald Nelson, Chief of Police  
Responsible Department: Police  
**Subject:** Update on the Sebastopol Police Department Audit Report Recommendations

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**RECOMMENDATIONS:**

The recommendation is that the City Council receive this report and provide any feedback to the Chief of Police regarding any concerns or recommendations.

**EXECUTIVE SUMMARY:**

On June 17, 2021, the City Council and community received a report from Mr. Jerry Threet who was contracted by the city to conduct an independent audit and review of the Sebastopol Police Department’s policies, practices, training and culture. Prior updates have been provided to the city council regarding the status and implementation of the recommendations, the most recent on December 19, 2023.

Of the 146 recommendations, 139 or just over 95% have been completed, successfully implemented and integrated into the Sebastopol Police Departments policies, practices and procedures. The remaining 8 are either not feasible financially or would hinder the police department and/or its officer’s ability to provide public safety or restore order during extreme but highly unlikely occurrences of civil unrest.

Operationally and culturally, the Sebastopol Police Department is a different organization than it was when Mr. Threet authored his report. The change has occurred largely due to department new leadership recognizing many of the same issues that were identified in Mr. Threet’s report needing to be implemented. Many of these already had been completed or were in the process of being implemented when the initial report was released. The rest have been implemented during the past few years following Mr. Threet’s recommendations.

At this juncture, the Sebastopol Police Department is a modern, progressive, community policing-based organization that engages in nationwide best practices policing, while being responsive to our community’s expectations and needs, while being respectful and embracing of our community values.

It is noteworthy that at this juncture, the audit process was begun 4 years ago and Mr. Threet’s report was provided 3 ½ years ago. Based on this timeline combining with the fact that SPD will have implemented all the recommendations that are feasible, I would suggest that the audit has been successful but has reached the end of its useful life and future reports would provide little to no value.

**BACKGROUND AND DISCUSSION:**

Mr. Jerry Threet, the former Director of the Independent Office of Law Enforcement Review and Outreach, was contracted by the City of Sebastopol to conduct and author a report regarding his findings regarding the policies, training, practices, and culture of the Sebastopol Police Department. The report was presented to the city and community on June 17, 2021. The city had hired Mr. Threet because of some significant issues within the police department coming to light combined with the policing reform movement that began in the Spring of 2020 nationwide.

During three prior reports to the City Council, the police chiefs provided information that 131 of the 146 recommendations listed in the initial report by Mr. Threet had been completed and were accomplished. After the most recent report out, the department committed to implementing several additional recommendations because of that review. Those recommendations have been implemented. This current report, which is provided as an attachment, will include summary and updated information regarding the totality of progress regarding Mr. Threet’s recommendations.

**STAFF ANALYSIS:**

All of Mr. Threet’s recommendations have been reviewed and were given serious consideration. As a result of the recommendations and the subsequent completion and implementation of these recommendations, this report was a success and was a valuable tool in reforming and revitalizing the Sebastopol Police Department policies, procedures, and practices and helped improve the overall working conditions and culture, and service delivery of the department.

**COMMUNITY OUTREACH:**

This item has been noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to the scheduled meeting date.

**FISCAL IMPACT:**

There is no fiscal impact with approval of this agenda item.

**OPTIONS:**

Recommendation Restated –

That City Council receive this report and provide any feedback to the Chief of Police regarding any concerns or recommendations moving forward.

**ATTACHMENTS:**

1. Status Report on Independent Police Department Audit Recommendations, dated November 25, 2024.
2. Copy of PowerPoint slides for City Council Meeting presentation.

APPROVALS:

Department Head Approval: RN Approval Date: 11/21/24

CEQA Determination (Planning): N/A Approval Date: N/A

The proposed action is not a project under the California Environmental Quality Act (CEQA)

Administrative Services (Financial) N/A Approval Date: N/A

Costs authorized in City Approved Budget:  Yes  No  N/A

Account Code (f applicable) \_\_\_\_\_

City Attorney Approval: N/A Approval Date: N/A

City Manager Approval: DS Approval Date:



# **Sebastopol Police Department**

## **Status Report on Independent Police Department Audit Recommendations**

**November 25, 2024**

## **Introduction**

The City of Sebastopol contracted with Independent Police Auditor Jerry Threet who presented his findings to City Council and the public in March 2021. The report was comprehensive and addressed 146 points regarding the Sebastopol Police Department. Several police chiefs were directed to provide reports on the progress of the police department's implementation of the recommendations.

Since that time, the report authored by Mr. Threet has remained a living document to provide guidance to police administration regarding strategic and operational aspects of the Sebastopol Police Department. It is, in essence, a framework and a roadmap in continuing to improve the Sebastopol Police Department and move it to a modernized, progressive policing organization that provides the type of service, and models the values the community of Sebastopol expects.

The current City Council indicated a desire for a comprehensive update on the status of Mr. Threet's recommendations from the Sebastopol Police Department. The report details each recommendation and the status of implementation within the police department.

## **Recommendations Status Report**

1. Given the significant value of the staff interviews conducted as a part of this review to fully understanding the challenges and opportunities of the Department, SPD and the City should consider establishing a process for a periodic, confidential consultation with SPD employees designed to gather such information into a report for use by SPD and City management. In addition, SPD should institute a process for exit interviews of all employees who leave the Department to obtain similar information.

**COMPLETED.** The Department reviewed and implemented this recommendation in September 2020. Supervisor meetings are conducted regularly to receive input and provide strategic direction and implementation as well as accountability. Meeting notes are recorded and provided to the entire staff of the police department. The Chief and the Captain have an "open door" policy, which literally translates to their doors remaining open unless confidential matters are being discussed. Staff are comfortable enough and know they can "pop in" at any time for discussion or just casual chats, which occur daily. The POA leadership and the Command Staff have regular ongoing conversations relating to operational decisions within the department. Decision making is not done in a vacuum and all staff know they are encouraged to provide input and are expected to do so. Supervisors are expected to have regular, scheduled check-ins with staff they supervise. Opportunities for exit interviews are required to be provided for staff who leave the police department's employment. Exit interview invitations are provided by both the city administration and the police chief.

2. The City should ensure that SPD is able to fully staff its budgeted positions, so that SPD is able to attract and retain employees, adequately train employees, and support robust community engagement.

**COMPLETED.** Police department Command Staff continue to make staffing a priority. Recruitment efforts and hiring processes have been the top priority from September 2020 to the present. Currently, there are two police officer positions and one dispatch position that are vacant. We have candidates in the background process

currently. Two Per Diem dispatchers were hired to fill shifts and ease overtime and workloads on dispatch personnel and she is in training.

- 3. The Department should engage in targeted recruitment of applicants designed to increase the diversity of its workforce.**

**COMPLETED.** The Department broadened its recruiting processes starting in September 2020 to reach a diverse pool of potential applicants within Sonoma County, surrounding counties, and communities within the state. The broadened recruitment processes include visits to regional academies throughout northern California and targeted advertisements that reach diverse communities and academies throughout the state. The department has hired 2 female police officers, BIPOC officer, and an Afghani officer in the past 3 years.

- 4. The Department should strengthen its newly implemented performance evaluation system by making its evaluation criteria more focused on the specific functions and missions of SPD.**

**COMPLETED.** The Department focused on completing evaluations and familiarizing supervisors with the system beginning in September 2020. Coaching and ongoing training regarding evaluations began and continues. Supervisors have been provided with specific criteria to help them author performance evaluations. These include reviewing personnel and complaint files, use of force reports, percentage of police report kickbacks and how that compares to peers, reviews of individual officers' productivity statistics and how that compares to their peers, and officers' participation in foot patrols and extra patrols, working with the outreach coordinator, and attendance at community events while on duty. The Department continues to provide mentoring and guidance in how to provide effective feedback and meaningful performance reviews. This is a continual process, and every evaluation is subject to a primary review by the Captain to correct any deficiencies in the evaluation prior to it being approved to be shared with the employee. A final review of the evaluation then takes place with the Chief of Police.

- 5. The Department should include public input into the performance evaluation system, both by consulting the public on what criteria should measure employee performance, and by including direct customer input into evaluations.**

**COMPLETED.** The City of Sebastopol utilizes a standardized evaluation system for all departments, which the police department is subject to. The police department has tailored its evaluation criteria towards police officers and the functions they are expected to perform since September 2020, and supervisors have been provided with specific criteria to conduct a deeper dive into officer's performance. Each staff member is aware and familiar with how they will be evaluated. Public input regarding staff's performance is noted in evaluations, by review of complaints, positive public comments and any public feedback received.

- 6. The Department should consider ways to include the input of peers and other supervisors in employee performance evaluations.**

**COMPLETED.** There are several methods available to all employees to provide both praise and critique regarding a fellow employee. An employee can verbally apprise a supervisor, send an email, or complete a commendation form. Any staff member may also submit a commendation/complaint form anonymously regarding a fellow employee. All of these methods have been used by line staff. A Supervisors' Notes Form was implemented in

September 2020 and is being used regularly to document positive and need-improvement matters. Supervisors have been directed to utilize the notes system and are expected to do so. Copies are provided to the employee, and should the note be negative in nature, the employee is requested to sign a copy of the form to acknowledge the conversation. The current process allows for input from peers and supervisors as it relates to employee performance.

**7. The Department should strengthen its emphasis on customer service criteria in its performance evaluation system.**

**COMPLETED.** Customer Service is one of the themes that was implemented with the Supervisors' Notes in September 2020. It is also a theme within our Mission, Vision, and Core Values Statements. Chief Nelson emphasized with staff in September 2022 that SPD is a customer service first organization, and the focus shall always be on what we can do, not what we are unable to do. This has been stressed during departmental meetings, in emails to staff and in individual conversations with employees when they fall short of delivering excellent customer service. Employees know that providing excellent customer service is a core function of what SPD should be delivering on each and every call, and interaction with the public. One of the criteria in our evaluation system is a rating on how well employees are providing customer service.

**8. The Department should increase the transparency and objectivity of the criteria supervisors use to measure performance in annual employee performance evaluations.**

The Department is continuously training and working with supervisors to create a uniform, objective, consistent, and predictable evaluation process. As mentioned previously, all employees are aware of the criteria they are being evaluated on. Consistency amongst supervisors has been stressed and the regular supervisor meetings provide an opportunity for supervisors to have meaningful conversations regarding employee issues including evaluations which leads to consistency. These processes were implemented in September 2020.

**9. The Department should enhance the training of supervisors in conducting employee performance evaluations to make the process more consistent and predictable for all employees.**

**COMPLETED.** As was mentioned previously, supervisors are receiving ongoing coaching and mentoring regarding evaluation processes and meaningful dialog regularly occurs amongst supervisors.

**10. The Department should support and strengthen the use of supervisory notes to provide regular, ongoing feedback to employees on their performance, and make regular use of such notes for annual performance evaluations.**

**COMPLETED.** The Department implemented this system in September 2020, and it is being utilized regularly. Supervisors have been directed and are expected to hold regularly scheduled meetings during each six-month shift rotation with their subordinates as a check-in to provide feedback and identify any performance issues well in advance of the evaluation. Additionally, supervisors have been directed to use these chats as goal setting sessions for the employees and to identify training needs and desires. Supervisory notes are standardized with a form and are used to provide documentation of both praise and critique. Any negative notes are signed by employees to acknowledge. All notes are kept in a supervisory file and may be noted in an annual evaluation.

**11. SPD should increase overall training opportunities for all employees.**

**COMPLETED.** The Department developed a Training & Employee Career Development Guide that went live in March 2022. That living document is a roadmap for staff to be able to identify training needs with each department employee and provide those training courses. The guide provides Mandated, Essential, and Desirable training categories. Required trainings are identified each fiscal year and budgeted. Currently, the focus has been on Mandated training because previous staffing issues had caused a lapse in getting staff to training. Many of the trainings classified as “Mandated” that staff have been sent to are in-house instructor or collateral duty courses. These have provided employees with opportunities to take on additional duties to provide in-house instruction for our employees, which expands the instructor’s expertise, abilities and knowledge base thus creating in-house subject matter experts. Schedule modification has created a training day for all sworn staff once a month without incurring overtime, and these days are being used to provide POST-required trainings that officers need to attend on a regular cycle to mitigate overtime.

**12. The Department should increase non-traditional training in areas of greater emphasis in modern policing, including Customer service, de-escalation skills, implicit bias, and active bystander training.**

**COMPLETED.** Department staff completed LGBTQ training during the Spring of 2021 as well as national conflict resolution and tactical communications (de-escalation and bias-free) training. Nearly all sworn staff have completed Crisis Intervention Training. De-Escalation training occurs during every use of force type of training, which occurs multiple times per year. Practical drills incorporate the use of verbal skills, de-escalation and critical thinking. Additional non-traditional training opportunities are evaluated when announcements are sent out and will be provided as staffing and budget permits and will be categorized and listed in the Training & Employee Career Development Guide.

**13. SPD should also include an emphasis on non-traditional training in its Field Training Officer programs.**

Included in the departmental Training & Employee Career Development Guide is the following caveat: "As much as possible, approved training should increase and implement non-traditional, robust training necessary to support the department core guidelines, including but not limited to de-escalation training, implicit bias training, communications training, scenario-based training and take into consideration the benefits of a “trauma-informed policing” approach, both for its officers and the community members they encounter during incidents. Training to understand and accommodate the effects of trauma on both officers’ and community members’ emotional and cognitive abilities has great potential to increase positive outcomes and avoid the use of force."

Additionally, our officers encounter a variety of calls for service in our Field Training Program, and they are taught how to effectively deal with challenges they may face in the field using traditional and non-traditional training. Field Training Officers hold regular meetings to discuss the progress and difficulties a particular trainee may be having. Discussions take place regarding how to help trainees overcome difficulties which may include outside the box thinking of developing a non-traditional solution to help lead the person towards success.

**14. The Department should choose internal trainers from among those employees with a record of closely following the requirements of agency policy and training.**

**COMPLETED.** The Department has and continues to assess the experience, performance, and fulfillment of expectations expected of staff as internal trainers are selected through a selection process. Prior to October 2020, trainers were usually selected without a formal process. In October 2020, department staff were informed that all promotional assignments as well as collateral duty assignments which include trainers, would be subject to a process to include the employee submitting written interest in the position, a review of the employee's personnel files and evaluations, employee statistical review and a review of any complaints or commendations. The team member interested in the position would also be subjected to an interview process in most cases. Approximately 5 internal trainers have been selected to add to the cadre and have been or are being sent to required courses. Qualifications and performance are the primary considerations when trainers are selected. These efforts are ongoing to develop staff and control training costs.

**15. SPD should return to a model of robust and active community engagement as soon as staffing levels allow it to do so.**

**COMPLETED.** The Department began moving towards this in October 2020, prior to the recommendations even becoming public. Foot patrols have been implemented and are required to be completed by all sworn personnel and are tracked by supervisors. Community event participation is regular and encouraged. Additional outreach and engagement events, such as National Night Out, Community BBQs, and Lunch with the Law will resume as full staffing levels are reached, and budget impacts decrease, and funds can be directed towards these efforts. We have a more robust and regular social media presence. A few posts garnered over one million views each.

A social media team has been created consisting of several staff members, all of whom are familiar with how to create posts and are encouraged to do so based on our guidelines for appropriateness. On-duty staff will continue to attend community events whenever possible.

**16. The Department should assign employees to ongoing engagement with key community groups, including especially groups representing or serving traditionally disadvantaged populations, as part of their regular duties.**

**COMPLETED.** These efforts began in the Spring of 2021. Currently, department members are actively reaching out to community groups and advocates to form new and stronger relationships. The Department has partnered with WCCS and other homeless outreach organizations. Officers routinely walk foot beats in areas of the city frequented and populated with homeless people, not only for enforcement, but also engaging and determining what services can be offered when/if needed. While all department members engage in this activity, the department has assigned a homeless outreach liaison. Once a week, an officer partners with our outreach coordinator on foot and seeks out individuals to encourage them to take advantage of available services.

The police department regularly attends community events and collaborates with the Chamber of Commerce to attend business grand openings and a variety of other events.

Community meetings have been held at the Burbank Gardens and the Senior Center to outreach to some of those segments of our population.

The Department frequently partners with the Mobile Support Team for mental health related issues. Not just in response to active incidents, but in making MST aware of community members who may not be having an immediate crisis but need ongoing mental health resources.

- 17. SPD should commit to hiring one or more employees with Spanish language and cultural fluency who can effectively engage with members of the Latinx communities who live, work, and shop in, and travel through, Sebastopol.**

**COMPLETED.** This recommendation was implemented prior to these recommendations. The Department employs individuals who are Spanish language and culturally fluent (approx. 45%). The Police Chief is bilingual in Spanish. Also, the Department's current recruitment/job description states that Spanish language ability is highly desirable and there is an incentive pay available to employees who can pass a proficiency exam.

- 18. The Chief should hold regular community meetings with Sebastopol area community organizations to gather input and share information on the Department's policing philosophies and strategies.**

**COMPLETED/ONGOING.** The Chief of Police and the captain have participated in meetings and presentations with the Downtown Business Owners, Burbank Gardens, Analy High School, Brook Haven School and Sunrise Rotary. Regular quarterly community meetings have not been taking place due to workloads but will begin taking place in early 2025.

- 19. The Department should eliminate the category of "informal" complaint from its complaint investigation process.**

**COMPLETED.** Policy 1007 was revised in April 2022 and a new Department complaint form was developed. All complaints are investigated to determine their merit and to decide if an Internal Affairs Investigation is warranted. There are times when a citizen may wish to complain about an issue or interaction, but they make it clear from the outset that they are not interested in making a "formal" complaint. They just wanted to make us aware of the situation and want it to be addressed with a conversation with the officer and do not wish to pursue it any further. We still log those complaints and investigate them but may close it out without a disposition letter being sent to the complainant unless requested. In all instances, we do investigate the matter, make a finding and close the loop with the complainant, though it may be telephonically or via email.

- 20. The Department should eliminate warnings on its complaint forms and instructions to complainants about possible consequences of filing a false complaint against an employee.**

**COMPLETED.** This was completed in June 2021 with the revision of the complaint form. Our current form contains no reference to any possible consequences for filing a false complaint.

- 21. The Department should eliminate from its complaint forms and instructions any notice to complainants about possible public disclosure of their name and contact information.**

**COMPLETED.** This was completed in June 2021 with the revision of the complaint form. Disclosure of a complainant's information would only be released to comply with a Public Records Act request should it be determined it was necessary to be in lawful compliance with the act.

- 22. SPD should investigate all complaints lodged with the Department and reach a finding on all allegations of that complaint, regardless of whether internally generated or filed by a community member, and regardless of whether a complainant agrees to categorize the complaint as formal or informal.**

**COMPLETED.** This is the current practice and has been the standing practice of SPD since September 2020. It is reflected in our policy and our staff has been trained to accept all complaints and forward the information to the police captain.

- 23. SPD should fully document all investigations, regardless of outcome and regardless of how they originated.**

**COMPLETED.** This is the current practice and has been the standing practice of SPD since September 2020. It is reflected in our policy and our staff has been trained to accept all complaints and forward the information to the police captain. Complaints are captured, documented and tracked in an electronic log.

- 24. SPD should preserve all complaint investigation files for the 5-year period required by state statute, regardless of how they originated.**

**COMPLETED.** This is the current practice and has been the standing practice of SPD since September 2020. All complaints are retained and are not purged until the 5-year mark in accordance with state law and city records retention policies. Additionally, any complaint which falls under specific categories, all of which would result in an internal affairs investigation and are required to be reported to POST. Dispositions must also be reported, and a review will be conducted by an independent panel to determine if the officer should be decertified. Should decertification occur, the officer cannot ever be a police officer in the state of California ever again and their information is reported to a national data base.

- 25. SPD should provide complainants with a written notice of findings for any complaint filed by a community member.**

**COMPLETED.** This was also implemented in September 2020. All complainants receive a letter of disposition regarding the complaint. The complainant is informed in the letter that should they have any questions regarding the disposition, they may directly contact the Chief of Police.

- 26. Once a complaint is lodged, SPD should complete the investigation of that complaint, regardless of whether the investigator considers it to lack merit and regardless of whether the complainant later decides not to pursue that complaint.**

**COMPLETED.** This has been SPD's practice since September 2020. All complaints are investigated to completion. In instances where an employee separates employment prior to the investigation being completed, the department will continue the investigation to its conclusion and the information will still be placed in the personnel file.

**27. SPD should investigate all the allegations of every complaint.**

**COMPLETED.** This has been the practice of SPD since September 2020. This is also considered to be best practice and under no circumstances should any allegation be overlooked and not investigated. Organizational leadership owes that to the complainant, the involved employee(s), and the community.

**28. SPD should secure and analyze all evidence material to a complaint investigation, including interviews of all material witnesses to a complaint, as well as all records of any kind that could affect the outcome of the investigation. Every complaint should include an interview of the complainant and the subject officer, absent unavoidable reasons that prevent such interviews.**

**COMPLETED.** This has been the current practice of SPD since September 2020. For an investigation to have credibility, integrity and to be defensible, all aspects need to be examined. All evidence and records related to the matter need to be gathered, scrutinized, reviewed, cataloged and retained. All the evidence should be analyzed when making a finding as to the validity of the complaint. Thorough interviews with the complainant, the involved employee(s), and any witnesses are conducted and documented and recorded. Many of these practices are codified in the Penal Code under various sections which are commonly known as the Peace Officer Bill of Rights.

**29. SPD should conduct all investigative interviews by using neutral, open-ended questioning of interview subjects, designed to elicit all relevant information known to the interviewee. Avoid either hostile or leading questions, absent extraordinary circumstances.**

**COMPLETED.** These are the techniques utilized by SPD during investigative interviews. As part of our training plan, all sworn personnel are sent to interview and interrogation training within their first year if possible. These questioning techniques are emphasized during the training with practical exercises incorporated to help attendees hone their skills and grasp the concepts. The use of open-ended questioning elicits more information from which follow-up more specific questions can be developed if needed.

**30. The Department should ensure that disciplinary consequences for sustained findings of misconduct are consistent across similar circumstances for all officers, without regard to personal or professional alliances among Department employees and/or officials. Consider implementing a disciplinary matrix to provide greater predictability and consistency in discipline.**

**COMPLETED.** Department Policy 1007, Personnel Complaints, contains some information regarding disciplinary procedures. The Department must keep in mind that a variety of factors outside of the investigation may influence disciplinary action imposed on an officer. Specifically, the Department must discipline officers in a progressive manner. Alliances or personal feelings must not be factored in and the investigator should only consider the offense and not the person. Generally, consistency with past issues of a similar nature with staff are factored into disciplinary decisions, however, each incident is weighed on its own merit and severity coupled with an employee's work history when deciding on discipline. Matrixes or what are commonly referred to as "bail

schedules” in police slang are more common in larger police organizations with hundreds of employees. They have their place, but the downside is that rarely are instances that are going to rise to formal discipline so formulaic. The current police chief and the captain both have extensive experience in conducting internal affairs investigations and both worked in larger organizations and possess knowledge and had experience in making disciplinary decisions that were deemed fair by the labor unions, the employees’ representatives, and the employees themselves. The goal of any discipline is for the punishment to match the crime so to speak, but more importantly to correct the behavior, salvage the employee when possible, and to strike a balance between sending the message that the behavior will not be tolerated, while getting the employee to accept the punishment and not leaving them feeling it was unjust. Generally, similar circumstances will result in similar discipline.

- 31. SPD should implement a conflict-of-interest policy that prohibits any officer or Department official from acting in an investigative or decision-making role for any IA investigation that may implicate their personal or professional interests.**

**COMPLETED.** The revision of SPD Policy 1007, Personnel Complaints, prohibits the immediate supervisor from serving as the investigator of a complaint if he/she was involved in the incident or the ultimate decision maker on the matter. The policy appropriately addresses conflicts-of-interests. Should there ever arise even a hint or a possible question relating to a potential conflict-of-interest, that supervisor would not be involved in any way in the investigation. In cases where no supervisor within the Department falls outside the conflict-of-interest parameters, the IA will be assigned to an investigator outside of the Department.

- 32. SPD should consider outsourcing IA investigations to a highly trained and experienced civilian investigator, in order to provide neutrality, eliminate actual and perceived conflicts of interest, and to provide the public greater confidence that such investigations are objectively conducted.**

**COMPLETED.** The Department conducts a preliminary review to determine the size, scope, and amount of staff time may be involved with investigations and examine any conflicts of interest. SPD for years has outsourced investigations when appropriate, as recently as 2022. SPD will outsource IA investigations, when necessary and appropriate, to ensure neutrality, eliminate actual and perceived conflicts or conflicting interests.

- 33. The Department should make complaint notification letters as specific and personal to recipients as possible.**

**COMPLETED.** Since September 2020, all notification letters are written individually to each complainant and tailored specifically to address all allegations that were made.

- 34. The Department should share with the public on its website information about complaints and internal investigations, including the nature of the allegations, and the outcomes of investigations. Providing more openness in this area helps increase public trust and strengthen community relationships. This same transparency should also exist around data on uses of force.**

**IN PROGRESS.** The city website has been redesigned and the police department section will be undergoing additional updating and editing. A list of updates to occur has been compiled by the Chief and these items will be on the website by January 1, 2025 under the “Transparency” section. The information will be listed in separate subsections and updated annually.

**35. SPD should develop written internal deadlines to complete an investigation and review process and require supervisory approval for deviation from those deadlines.**

**COMPLETED.** In March 2021, SPD adopted a 60-day completion deadline by the investigator, and a final deadline of 120 days to close out any investigation, barring any unforeseen or unusual circumstances. In all investigations since that time, the deadlines have been met.

**36. 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.**

**COMPLETED.** Department command staff members completed a comprehensive review of all misconduct investigations and internal affairs investigations in March 2021. The review was conducted to determine if there were any common themes which may indicate a deep-seated problem with organizational culture or operational and/or training deficiencies. The review indicated that the misconduct investigations were primarily the result of officers who had made poor decisions in the moment to not follow or chose to ignore policy and procedures. The other issue that was identified was rude or curt behavior by officers and that a culture had developed where customer service emphasis was ignored at times. These issues have been addressed by providing staff and supervisors with clear, written expectations regarding customer service, following policy, procedure, chain of command and the supervisory expectation to hold employees accountable and to audit performance using body worn camera review, and ongoing progress checks regarding officer activity. Department management reviews each misconduct investigation thoroughly to determine if there are steps that need to be taken both with the individual employee and organization wide to address any problems that may exist for the issue to be resolved once and for all.

**37. SPD should evaluate its levels of discipline for sustained policy violations to ensure that the proper amount of remediation is occurring.**

**COMPLETED.** The implementation of formal discipline is governed procedurally by the Peace Officer Bill of Rights and agreements with labor unions combined with city and departmental policy. Depending on the seriousness of an allegation coupled with an employee's work history, so called minor violations can be handled and documented through various means other than the application of formal discipline. By the end of March 2021, our entire disciplinary process had been revamped. The Supervisor Notes process had been implemented as had the use of Documented Counseling memos. These methods are used prior to a formal disciplinary process being implemented when it is warranted. In most cases, the behavior that needs to be corrected is addressed using these lower-level methods and the issue is resolved. The information is still captured, tracked and documented so that if in the future, the behavior repeats itself, it can be addressed using the progressive discipline process, which must be followed for the discipline that was rendered to be upheld in an appeals process. The primary goal of any counseling or discipline is to identify and correct bad behaviors and to salvage the employee, when possible, prior to acts rising to an egregious level. Should an action occur that is egregious, the goal is to send a strong message to the employee that their behavior was completely unacceptable and will not be tolerated. If the offense was so outrageous that we believe the employee should never be permitted to serve our community in their capacity ever again, we mete out and will terminate those employees and follow the state de-certification process for police officers as required by law.

- 38. The Department should consider simplifying the employee appeal process for imposition of discipline. This could include eliminating appeal steps in the process. It also could include creating a presumption that the Chief's decision is correct and valid, absent evidence of bias or bad faith.**

**COMPLETED.** SPD command staff agrees with this. Based upon our experience with multiple law enforcement agencies, the final decision regarding imposition of discipline should rest with the Chief of Police. There are legal processes in place for employees to appeal the imposition of discipline with the Chief of Police via a Skelly hearing. After a Skelly hearing is held, further appeals should be heard before an arbiter or some other such neutral body. This would eliminate an existing layer of appeal that currently exists with the City of Sebastopol but that is not commonplace with other police organizations. Such action will require negotiations with SPOA during their MOU negotiations.

- 39. The Department should institute a formal Use of Force Reporting System, which should include mandatory, timely reporting of every use of force by an officer on a reporting form that includes robust data collection. Every reported use of force should be evaluated by a supervisor for compliance with agency policy, and where a policy violation is indicated, a full investigation should follow.**

**COMPLETED.** Use of Force by police is governed by penal code statutes, departmental policy, and case law decisions. The Department maintains Policy 300.8, Reporting the Use of Force, which requires prompt, complete, and accurate reports of use of force. In September 2021, SPD developed a Use of Force report form to collect related data via the form on an on-going basis. All uses of force were previously tracked and reported but are now being tracked and reviewed by a supervisor and Use of Force Review team. Every use of force requires the review of body worn camera footage and a review by in-house subject matter experts to determine if the force was lawful, within policy, necessary and at the appropriate level, and if there may have been an opportunity to resolve the situation by other means or by using a lower level of force or de-escalation tactics. These records are kept internally and reviewed to ensure a pattern of poor decision making or heavy-handedness is not being exhibited by an officer. These reviews are also conducted to identify possible training deficiencies within the department so we can equip our officers with better training, tactics, and tools needed to adequately diffuse and de-escalate situations to an optimal outcome for all.

- 40. SPD should broaden its definition of "force" in its use of force policy to include all actions considered force under Fourth Amendment case law and to capture those employee actions that are correlated with escalation of force.**

**COMPLETED.** SPD broadened and incorporated revised definitions regarding reportable uses of force in September 2021. The Department revised the policy to more thoroughly define the term "force." The department issued a Notice of Operational Change (NOC) that defines Use of Force as "any level of physical force employed by an officer beyond that which is necessary to handcuff a compliant subject." The NOC explicitly states "the direct and intentional pointing of a firearm at a person(s)" shall be documented as a use of force and any use of a Taser needs to be documented, reported and reviewed. The department follows all applicable definitions of "force" as currently codified by laws, case law, POST guidelines and best practices nationwide as recommended by the International Association of Chiefs of Police, and the California Police Chiefs Association.

- 41. The Department should consider creating a use of force review panel process for significant uses of force by employees, in order to study and learn from such incidents how to better avoid force and to resolve incidents at the lowest possible level of force.**

**COMPLETED.** This was implemented in September 2021. The panel is comprised of our in-house subject matter experts and instructors, at least one supervisor, and the captain and chief. In cases that may require additional expertise, or review from a neutral party, the materials would be provided to an outside source for review and the rendering of an opinion. Please refer to the response to Recommendation 39 for additional details regarding the process.

- 42. SPD should adopt a policy to guide its interactions with families of victims killed by officers, including the designation and training of an SPD employee as a “family liaison” during such incidents.**

**COMPLETED.** The Sonoma County Law Enforcement Chief’s Association has developed a guiding policy (the Sonoma County Critical Incident Protocol) which is followed via mutual agreement by all law enforcement agencies in the County of Sonoma, including the District Attorney’s Office and the Sebastopol Police Department. Pursuant to the Sonoma County Critical Incident Protocol and SPD Policy 305, the Rohnert Park Department of Public Safety, the Petaluma Police Department, the Santa Rosa Police Department, the Sonoma County Sheriff’s Department, and in some cases, CHP or the Sonoma County District Attorney’s Office can be a lead investigating agency in any critical incident involving death or serious injury to a citizen or law enforcement personnel. In cases of officer involved shootings resulting in a fatality to an unarmed person, state law now requires the California Department of Justice to be notified, and they can opt to be the lead investigating agency on these officer involved shooting deaths. There is no provision for SPD to be a lead agency. Resources are in place to assist victims’ family members, including DA’s victim advocates. In any case where an SPD officer’s actions resulted in the fatality of a member of the public, an SPD liaison to the investigating agency would be designated, likely the Captain, to communicate and strategize regarding the provision of resources and a communication strategy with surviving family members.

- 43. SPD should adopt a policy to guide its interactions with community groups during such incidents, including an emphasis on the Chief holding timely community meetings and sharing as much information as possible with the public.**

**COMPLETED.** Should any incident occur involving a police use of force that causes significant public concern or outcry, the command staff of the police department is committed to holding a public forum to inform, provide transparency, and to provide the public with a voice and opportunity to gather information. This is the expectation from our city administration, city council, and our community at large, and from a personal belief standpoint of police command staff. Providing as much transparency as possible, in as timely a manner as possible while providing as much information as is feasible at certain junctures post-incident has been proven to be the most compassionate, and effective manner in dealing with these tragedies and is generally greatly appreciated by all we serve.

What needs to be emphasized, however, is that information release is not solely in the hands of the Sebastopol Police Department should an incident occur where the critical incident protocol needs to be invoked. There may be information that cannot be immediately released based on the nature of the incident and the input from the lead investigating agency and the District Attorney. The goal of SPD would always be to release as much

information as possible at the earliest time it becomes available and can be released and to work collaboratively with investigating agencies to ensure this occurs.

- 44. The Department should adopt a policy to guide its transparency efforts during officer involved deaths of community members, including releasing video as quickly as possible and ensuring that all information provided by SPD is as accurate and complete and timely as possible.**

**COMPLETED.** SPD recognizes the need and the critical importance of providing as much information as possible in a timely fashion, and to be as transparent as possible. SPD transparency efforts are already guided, including the release of BWC footage as “quickly as possible,” by SPD Policy 305.8, which states, “Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney’s Office, as appropriate.” Please see the response to recommendation 43 for additional information.

- 45. SPD should adopt a policy to support and protect officers involved in the death of a community member, recognizing that the trauma involved in such an incident can significantly impact such employees.**

**COMPLETED.** Along with establishing a liaison to surviving family members post incident, this is an area where some of the greatest changes have occurred in law enforcement in my 30 plus years. There are steps that must be taken during the immediate aftermath of a critical incident to preserve the integrity of the independent investigation. Much of this is governed by the countywide critical incident protocol as well as departmental policy. Involved personnel must be sequestered and are driven to a hotel room locally and provided with a person of their choice (other than immediate family) to stay with them until such time as a statement is obtained by investigators. Conversation regarding the incident is forbidden. The officers involved are permitted to reach out to any family members they wish as soon as possible to get ahead of any news reports or information that may be spreading to let the family know they are okay but were involved in an incident. This is so the family does not find out second hand and so they don’t receive misinformation which may cause them angst and worry. Meals are provided to the affected personnel if they desire. Legal representation is provided in cooperation with the SPOA. In other words, it is critical to the future well-being of the officer to be provided with as many resources as may be needed by that individual to ensure they are able to cope, heal, and be a whole person long after what will likely be one of, if not the most traumatic incident they will ever experience.

SPD Policy 305, Officer Involved Shootings and Deaths, relates to the investigation of an officer-involved shooting. SPD Policy and the California Peace Officers’ Bill of Rights (Government Code §§ 3300 et seq.) currently provide both support and protection to Officers involved in the death of a person.

For example, SPD Policy 305.5.5 states, in part, the following:

- “Any request for legal or union representation will be accommodated.”
- “A licensed psychotherapist shall be provided by the department to each involved Sebastopol officer.”
- “Each involved Sebastopol officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Lieutenant to make schedule adjustments to accommodate such leave.”

- 46. The Sebastopol Police Department’s Use of Force Policy should consider including the following principles:**

This recommendation contains numerous subsections which will be responded to individually.

**46.1** The UOF policy should be founded on and strongly emphasize a robust Sanctity of Life Statement affirming the value of all human life, the inherent dignity of all persons, and an officer's duty to uphold citizens' civil and constitutional rights. The emphasis should be on the welfare of the community and the corresponding and related physical and emotional well-being of the officers who serve them.

**COMPLETED.** Penal Code §835a was modified and passed into law on January 1, 2020. There were significant modifications to this law which governs police officer use of force and deadly force. Officers are bound by this law when making use of force decisions and applying force. This includes a sanctity of life statement in the text of the law that we are bound to legally. Additionally, the language suggested was added to Use of Force policy.

**46.2** The policy should emphasize de-escalation as an approach to any potential use of force incident. It should include a clear definition of de-escalation principles and practices, including the use of time and distance and tone of voice to de-escalate a potentially volatile interaction, and a requirement to use de-escalation techniques whenever feasible. As used in this context, de-escalation should be distinguished from the use of less-lethal force to avoid more lethal force.

**COMPLETED.** De-escalation is now not only a guiding philosophy regarding departmental use of force by its officers, but we are legally bound and required to utilize de-escalation tactics which are now codified into Penal Code §835a.

SPD Policy 300.6.1, Alternative Tactics- De-Escalation also requires officers to integrate de-escalation tactics into decision making and actions. The policy states: "As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers should consider actions that may increase officer safety and may decrease the need for using force:

- a. Summoning additional resources that are able to respond in a reasonably timely manner.
- b. Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.
- c. Employing other tactics that do not unreasonably increase officer jeopardy.

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)). Such alternatives may include but are not limited to:

- a. Attempts to de-escalate a situation.
- b. If reasonably available, the use of crisis intervention techniques by properly trained personnel.

**46.3 The policy should provide that any force used be proportional to the situation calling for its use. For example, non-compliance with an officer’s lawful order may justify a lower level of force than actions that threaten others.**

**COMPLETED.** All uses of force decisions are based upon the standard mentioned and officers are held to this standard under Senate Bill 230 which was passed into law on January 1, 2021, and §835a PC which became law on January 1, 2020, and requires the consideration of de-escalation prior to using deadly force when making use of force decisions. The overriding legal principle is that only the force necessary to affect the arrest or stabilize the situation can be used. Once that occurs, all force must immediately cease. This means that the force used should be the lowest level of force needed to accomplish this goal.

SPD Policy 300.6.1, Alternative Tactics- De-Escalation also requires officers to integrate de-escalation tactics into decision making and actions. The policy states: “As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers should consider actions that may increase officer safety and may decrease the need for using force:

- a. Summoning additional resources that are able to respond in a reasonably timely manner.
- b. Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.
- c. Employing other tactics that do not unreasonably increase officer jeopardy.

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)). Such alternatives may include but are not limited to:

- a. Attempts to de-escalate the situation.
- b. If reasonably available, the use of crisis intervention techniques by properly trained personnel.”

**46.4 The policy should provide that any force used must be objectively reasonable and the minimal amount necessary to accomplish a lawful policing objective (see California Penal Code Section 835a; Graham v. Connor (1989) 490 US 386).**

**COMPLETED.** SPD Policy 300.6, Use of Force includes verbiage requiring officers to apply the Graham v. Conner standard to use of force decisions as does § 835a of the Penal Code. “Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).”

All use of force reviews are subjected to this standard

**46.5 The policy should consider defining “necessary” as it applies to force, as meaning that a lower level of force would not have achieved the lawful objective in question.**

**COMPLETED.** All uses of force are evaluated under the “Graham vs. Conner” case lens. Essentially uses of force are evaluated by the barometer of what a reasonable officer, with similar training and experience, under similar circumstances, and with the information available to the officer at the time of the incident would have done without the benefit of hindsight. This leads to some subjectivity. The definition of the word “necessary” is that an action was “required to be done, achieved, or present, needed, essential”. Therefore, if a use of force is determined to be necessary, it is deemed to have been appropriate in that instance. This does not absolve an officer from meeting the legal standard of §835a PC to “use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer” nor does it imply that an officer’s actions are not subject to review and accountability based upon departmental policy and the internal use of force review.

**46.6 The policy should provide that, overall, force used by the department should comply with principles of fair and unbiased policing, so that there is no disparate percentage of instances of force used against any demographic category of persons under similar circumstances.**

**COMPLETED.** SPD Policy 300.5.1, Fair and Unbiased Use of Force states exactly that. “Officers are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)).

**46.7 The policy should provide that officers should give a verbal warning whenever feasible before using force.**

**COMPLETED.** Current SPD Policy 300.6, Use of Force, requires that when practicable, officers should provide a warning that force is about to be used. Penal Code §835a also requires officers to do this prior to using deadly force.

**46.8 The policy should provide that officers must continually reassess the situation to evaluate the necessity of force or continued need for force as circumstances change.**

**COMPLETED.** Officers are trained, expected and legally required to constantly reassess during an incident and adjust their tactics and the application of force and to cease using force once resistance has been overcome. SPD policy 300, Use of Force and De-escalation states: “As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers should consider actions that may increase officer safety and may decrease the need for using force”. Additionally, “when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)).”

**46.9 Special consideration should be given in both policy and training for vulnerable populations, including those for whom there is evidence or suspicion of mental/emotional/behavioral health challenges, those under the influence of drugs or alcohol, pregnant women, the elderly, those who are cognitively divergent, and the young.**

**COMPLETED.** SPD Policy 300.6.3, Factors Used to Determine the Reasonableness of Force, provides accountability for this and states that officers shall consider these factors when making decisions whether force is needed and what type of force should be used. This provision and similar language is now contained and codified in §835a PC. During all use of force training this is emphasized and addressed with officers.

- 46.10** There should be an emphasis on Crisis Intervention Training and support for mental health professionals handling such situations whenever possible and appropriate. The policy should provide that a sworn law enforcement officer generally should not be the first responder to a situation involving a mental health issue, absent evidence to suggest a threat of violence to self or others.

**COMPLETED.** Two SPD policies, 300.6.1, Alternative Tactics- De-Escalation and Policy 408.10, Training, address this recommendation. Currently, the Department utilizes the Sonoma County Mobile Support Team (MST) in combination with SPD personnel for those suffering from mental health crises who are willing to use the MST services. The department has implemented the “Cordico” application that allows employees to connect with mental health professionals responding solely or in conjunction with law enforcement. Nearly all sworn SPD staff have attended CIT training with the goal of having all sworn attend at the earliest possible juncture. Attendance to CIT training is included in our training plan and is required of all sworn staff.

- 46.11** Officer training under the use of force policy should emphasize increased reliance on good communication skills to minimize escalation of emotional reactivity and the need for use of force.

**COMPLETED.** This is addressed in SPD Policy 300.5.1, Alternative Tactics- De-Escalation. Department personnel receive POST-mandated training related to communication at a minimum of every two years. Practical drills during training require officers to utilize their verbal skills and injects into scenarios use of verbal skills and de-escalation for a favorable outcome to the scenario. Should the officer not adapt properly, they will be deemed to have not passed the scenario and must remediate to be successful.

- 46.12** The policy should include restrictions on firing into moving vehicles unless necessary to prevent imminent death or serious bodily injury. Shooting at fleeing felons unless required to prevent imminent death or serious bodily injury should be prohibited.

**COMPLETED.** Shooting at or from Moving Vehicles is addressed in our Use of Force Policy, 300.7.1. Shooting at moving vehicles is prohibited. Shooting at an occupant of a vehicle is only permitted under the most extreme circumstances to prevent imminent death or great bodily injury. Shooting at fleeing felons is also prohibited unless the person caused great bodily injury or death to another and the officer reasonably believes that unless immediately apprehended, the person will cause death or great bodily injury to another. Additionally, Penal Code §835a requires that imminent death or great bodily injury be present anytime deadly force is being used and provides a clear definition of “imminent”. The section states that “a threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.

- 46.13** The policy should provide that Tasers and similar electric conduction devices should be considered potentially lethal force options. There should be more significant restrictions on the use of Tasers on vulnerable populations, such as those who may be under the influence of drugs or alcohol, mentally ill or impaired, overweight, or obviously in poor health or infirm.

**COMPLETED.** SPD's Taser Policy 303.5.2, contains a section titled "Special Deployment Considerations" This policy now contains the language that the use of a Taser could be lethal. The Department has reviewed the policy in detail and concludes the current information provided in the policy follows best practices and aligns with recommended policies from Taser, IACP, and other renowned and credible organizations. Making this policy more restrictive would potentially create added risk and danger not only for officers but for the individuals they are having to attempt to control. During all taser training, it is emphasized repeatedly that the devices have the potential to be lethal and that their use should be avoided, if at all possible, on vulnerable populations including the infirm, mentally or physically compromised, intoxicated, and over or under weight people. Officers should seriously consider whether a Taser may be effective or the right option for individuals who are impaired to a point where they may cause more harm than other techniques.

- 46.14** Officers should be required to actively intervene, and report uses of excessive force through both policy and training. The department should consider active bystander training designed to encourage an agency culture that expects and welcomes officers to intervene to prevent other officers from taking action that may constitute unnecessary force. This will help build a teamwork culture and protect officers and the public from unnecessary injury and indignity and lower litigation risks for the department.

**COMPLETED.** Effective January 1, 2021, AB 26 was signed into law and requires officers to intercede, physically, if necessary, to stop a perceived excessive force. Should the officer fail to intercede, they will receive the same discipline as the officer committing excessive force. Additionally, SPD policy 300.5.2 requires officers to intercede should they observe excessive force being committed and requires the witness officer to report it to a supervisor. In addition, SB2 which is the state decertification law and process for police officers provides that an officer will be decertified and cannot be a police officer ever again if they fail to intercede.

- 46.15** The policy should require that all uses of force be reported to supervisors in writing by the officer who employed force, that reports be reviewed by a supervisor for compliance with policy that same day (if possible), and the records documenting such reports and reviews be preserved for future review.

**COMPLETED.** SPD Policy 300.8, Reporting the Use of Force, requires this and outlines the provisions for the use of force review process. This has been the longstanding policy of SPD for many years.

- 46.16** The policy should require that evaluation of use of force incidents include whether the officer exhausted all other reasonable alternatives before resorting to force, as well as whether de-escalation techniques were reasonable and employed.

**COMPLETED.** SPD policies clearly state that force must be reasonable. De-escalation techniques are taught, practiced and emphasized during training and are factored into every review and captured on the review form. A primary reason for conducting a comprehensive review is to decide from a practical and tactical standpoint if other reasonable alternatives may have been available and if they were attempted.

- 46.17 The Department should employ a Use of Force Reporting form to better track all uses of force and reflect the Department's values.**

**COMPLETED.** As mentioned previously, this was implemented in September 2021 and is part of our policy.

- 46.18 The Department should implement an electronic database for all use of force reporting and review to record and publicly report data on all uses of force by agency employees.**

**COMPLETED.** The Department implemented an electronic database in September 2021 for all use of force reporting, both in RIMS (our internal computer aided dispatch system) and with MS Excel. Uses of force on actively tracked and undergo a thorough review process of a review panel, then the Lieutenant, then the Chief of Police. This data will be posted on the police department website page with other upcoming revisions.

- 46.19 The use of force policy should more specifically define what constitutes force, including both a general definition and an "including but not limited to" list of examples of force. Among the examples of force listed in this definition should be any threat of force by an officer against a community member and any officer pointing a weapon at a community member.**

**NOT COMPLETED.** We are required by law (Penal Code § 835a) and our Use of Force policy to provide a warning that states that force may be used on a person if they don't comply. It is not a threat of force, but a warning required by law. This warning is not considered a use of force under the law, rather, it is telling a person what may reasonably occur should a person fail to comply. The warning is a de-escalation tool to gain compliance.

SPD's Use of Force policy is comprehensive, based on best practices, has been vetted by a team of attorneys and subject member experts from California and the nation and complies with all applicable federal and state laws, case law, and POST requirements. The Department revised the policy to align with community expectations and more thoroughly define the term "force." The department issued a Notice of Operational Change (NOC) that defines Use of Force as "any level of physical force employed by an officer beyond that which is necessary to handcuff a compliant subject." This is a more restrictive interpretation of force than most agencies have implemented. We added all uses of a Taser as a reportable use of force and directly pointing a firearm at subjects. Under recent laws and best practices, we are required to state to provide warnings to people that force may be used against them.

- 46.20 The policy should provide that, whenever an officer uses force, officers will administer first aid at the scene, as soon as possible, when needed.**

**COMPLETED.** Language requiring officers to render medical aid and/or lifesaving measures, when practicable and safe to do so should be performed as soon as possible was added to our policy 300.9, Medical Consideration in December 2020. The Department maintains Policy 300.9, Medical Consideration, which requires this. Medical evaluation by paramedics or in a medical facility is required by policy anytime a subject complains of pain or has any type of visible injury, and in some cases such as a taser deployment, or baton strikes medical evaluation is required whether, or not, the subject is desirous of treatment or has any visible injury or complaint of pain.

- 46.21** The Department should develop metrics for tracking and public reporting of use of force incidents, include such metrics in its UF tracking database, compile such metrics into reports, and make such reports easily and regularly available on the department's public website.

**COMPLETED.** Uses of force are actively tracked and undergo a thorough review process of a review panel, then the Lieutenant, then the Chief of Police. The Department's updated website will provide use of force data that can be publicly viewed under the Transparency and Department Data page which is undergoing additional updating to include an annual summary of incidents with a general breakdown.

- 46.22** The SPD should increase and implement robust training necessary to support these core guidelines, including but not limited to de-escalation training, implicit bias training, communications training, and scenario-based training.

**COMPLETED.** The Department provides legislative and POST-mandated training to sworn personnel in regard to use of force, arrest and control, and communications. Though more robust training is desired by the Department, budgetary and staffing constraints are a hinderance. There are considerable legislatively required training mandates, particularly with sworn staff that require most training resources be dedicated towards meeting those mandates. Those mandates include de-escalation, implicit bias, communications training and scenario-based training. The Field Training Program (FTP) contains several sections related to de-escalation training. The Field Training Program also contains a block related to cultural diversity and biases. The current FTP contains several sections related to communications training. Every section of the FTP contains competency under scenario testing. In 2021, all SPD officers completed a 2-hour online webinar through National Conflict Resolution Center (NCRC), regarding Tactical Communications, which included de-escalation training. POST offers a no-cost 2-hour Tactical Communications training and several no-cost webinar courses related to de-escalation training which are required every two years. Additionally, POST offers additional training related to implicit biases.

Police command staff are constantly receiving training information and as staffing and budget permits, we will bring some different types of training that present new thought processes and perspectives to our staff.

- 46.23** SPD should carefully train dispatchers in the importance of verifying and accurately reporting all information that may or may not suggest a threat is present in any incident to which an officer is asked to respond. Dispatch information can be the critical factor in whether an officer responds to a call for service in a way that makes it likely that the officer may employ force. Dispatchers should be trained to understand that the safety of the public is as important as the safety of a responding officer and that their actions may help determine whether force is used appropriately in response to the situation. Every Department review of any use of force by an officer should consider the role of dispatch in shaping the officer's perceptions.

**COMPLETED.** Dispatchers attend a POST Public Safety Dispatcher's Basic Course where they receive the training recommended in this report. During the course, they review and debrief actual calls where these types of issues are discussed. Additionally, dispatchers receive 24 hours of continuing professional training during each two-year POST training cycle that addresses this recommendation.

In January 2022, SPD began using its Communications Dispatch Training manual which had been under development for several years. It was interesting to learn that most agencies we consulted with did not have such

a training manual which serves as a roadmap for training new dispatchers and contains information and evaluation criteria to address the above concerns. The manual is a work in progress and some material was updated two months ago to increase its relevance and value to our dispatch trainees.

- 46.24** In particular, where a call for service identifies a “suspicious” individual as presenting some danger and they are a part of a disadvantaged group (such as a racial, ethnic, or religious minority), dispatchers should be trained to seek an objective basis for such claims from the reporting party. The dispatcher should then report accurately to the responding officer the information they gather through such inquiries. Where there appears to be no objective basis for concern about the suspect, the dispatcher should communicate this to the responding officer.

**COMPLETED.** During the dispatch training program, dispatchers are taught to ask numerous questions regarding the information being provided to them and to ask follow-up questions to make a determination regarding the validity of the information being provided as well as the source and any bias that may be present regarding the information being provided. That information is relayed accurately to officers which includes any perceived misinformation that may have been presented to the call taker. This skillset is also highlighted during the two-week dispatcher course they are required to complete. Should the dispatcher determine there is no merit to the claims being provided by the caller, the dispatcher can decide to not send an officer and notify a supervisor.

- 46.25** The Department should monitor and analyze use of force incidents, and establish an electronic, early intervention program to target officers at risk of using excessive force.

**COMPLETED.** The monitoring system is in place and one of the primary functions of the review process is to determine whether a particular officer is exhibiting a pattern of using force unnecessarily or without exercising proper de-escalation tactics. Early intervention is crucial in halting behaviors such as these, that when caught early can be corrected.

- 46.26** SPD should partner with an independent, civilian oversight partner to analyze use of force data, seeking relevant opportunities to decrease use of force incidents.

**COMPLETED.** SPD has relatively few uses of force that occur each year. All are reviewed critically and objectively through a layered review process that meets the intent of this recommendation. In every use of force that has been reviewed since systems were implemented, it was demonstrated that SPD officers utilized de-escalation tactics, utilized time to diffuse the situation when it was available, and only used the necessary force when it became unequivocally clear that force was going to have to be applied. In every circumstance, this was dictated by the actions of the subject and was not proactively initiated by the officers. One of the primary questions always asked during the review is “could this have been avoided, or how could this have had a different outcome not requiring the use of force”?

**46.27 SPD should emphasize officer health and wellness, providing officers with a mental/emotional health support infrastructure for those experiencing traumatic incidents and stressful work and life situations.**

**COMPLETED/ONGOING** Recently, it has been nationally recognized the toll police work takes on employees. Agencies have experienced unprecedented rates of stress related retirements, PTSD claims, suicides and people leaving the profession completely. It has become increasingly difficult to find people who want to do these jobs. As a result, there has been an increased focus on taking care of our people and focusing on employee wellness. SPD received grant money from the Department of Justice 2023. Additionally, we reached out to our insurance provider, CIRA, and tapped into some grant funding. These funds are going to be used for an officer wellness app which provides considerable resources for all staff, their partners, and retirees to self-assess, tap into counseling and suicide prevention resources, and healthy lifestyle tools. Some of the additional money will be used to provide fitness and health resources for our employees.

SPD Policy 305.9, Debriefing which provides structure and guidelines for helping employees deal with the effects of traumatic incidents. Should one occur, the department will set up a structured and facilitated Critical Incident Stress Debriefing for any affected employee to attend. Counselors and psychologists will be brought in as warranted and appropriate. If needed, employees may be required to attend a session with a psychologist as is the case with officer involved shootings. A goal for 2025 is to enhance our peer support team and to send some additional staff to those trainings. The department has Implemented the "Cordico" application that allows employees to connect with mental health professionals responding solely or in conjunction with law enforcement.

Additionally, there is a City provided EAP program available to all city employees.

**46.28 The department should consider the benefits of a "trauma-informed policing" approach, both for its officers and the community members they encounter during incidents. Training to understand and accommodate the effects of trauma on both officers' and community members' emotional and cognitive abilities has great potential to increase positive outcomes and avoid the use of force.**

**COMPLETED/ONGOING.** Though several SPD employees have received trauma-informed training, the Department continues to look for opportunities for our personnel to receive trauma-informed training and other meaningful training. Training is a continual process for SPD in ensuring employees are receiving updated training that allows us to respond in a more thoughtful manner. In the coming year with the implementation of our wellness programs, the department will be looking for training that can be funded with wellness grant funds to further educate and integrate these philosophies into our organization.

The following has been included in the Training & Employee Career Development Guide: "As much as possible, approved training should increase and implement non-traditional, robust training necessary to support the department core guidelines, including but not limited to de-escalation training, implicit bias training, communications training, scenario-based training and take into consideration the benefits of a "trauma-informed policing" approach, both for its officers and the community members they encounter during incidents. Training to understand and accommodate the effects of trauma on both officers' and community members' emotional and cognitive abilities has great potential to increase positive outcomes and avoid the use of force."

**47. SPD's Bias Free Policing Policy should consider including the following principles:**

See below for individual responses to each recommendation.

**47.1 The Department should be clear in its policy by including a definition of biased policing and a statement on the limited circumstances in which characteristics of individuals may be considered in policing decisions.**

**COMPLETED.** The Sebastopol Police Department has two policies to address biased policing; Policy 401, Bias Based Policing- Sonoma County Protocol which is a policy adopted by the Sonoma County Chief's Association and is adhered to by all law enforcement agencies in Sonoma County, and Policy 402, Racial/Bias Based Profiling which is our internal policy.

Both policies provide definitions of what constitutes biased policing and emphasis on the illegality of racial profiling and using bias in policing decisions, and list circumstances where characteristics of individuals may be considered in policing decisions.

From policy 401, Biased Based Policing-Sonoma County Protocol: All law enforcement employees must treat every member of the community fairly without regard to race, ethnicity, age, gender, sexual orientation or nationality. No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of the United States because of the other person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or because he or she perceives that the other person has one or more of those characteristics. [Penal Code §422.6(a)]. The practice of Biased Based Policing, also referred to as "racial profiling," is illegal [Penal Code § 13519.4(e)] and will not be tolerated by law enforcement agencies in Sonoma County.

It is the responsibility of every member of Sonoma County law enforcement to prevent, report, and respond appropriately to clear discriminatory or biased practices.

Every member of Sonoma County law enforcement engaging in a non-consensual detention shall be prepared to articulate reasonable suspicion to justify the detention, independent of the individual's membership in any protected class.

To the extent that written documentation would otherwise be completed (e.g. arrest report, FI card, etc.), the officer involved shall include those facts giving rise to the officer's reasonable suspicion or probable cause for the contact.

While the practice of "biased based policing" is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by an officer in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

From SPD policy 402, Racial/Bias Based Profiling: "The Sebastopol Police Department strives to provide law enforcement to our community with due regard to the racial and cultural differences of those we serve. It shall therefore be the policy and practice of this department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group because of their race, ethnicity or nationality, religion, gender, sexual orientation, or disability. Racial/Bias based profiling, for purposes of this section, is the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire

class of people without any individualized suspicion of the particular person being stopped (Penal Code § 13519.4(e)). The practice of racial/bias-based profiling is illegal and will not be tolerated by this Department (Penal Code § 13519.4(f)).

It is the responsibility of every member of this department to prevent, report, and respond appropriately to clear discriminatory or biased practices.

Every member of this department engaging in a non-consensual detention shall be prepared to articulate sufficient reasonable suspicion to justify the detention independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, F.I. card, etc.), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the contact.

Nothing in this policy shall require any officer to prepare documentation of a contact that would not otherwise involve such reporting.

While the practice of racial profiling is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by an officer in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

The Sebastopol Police Department will investigate all complaints of alleged racial/bias-based profiling complaints against its members. Employees found to be in violation of this policy are subject to discipline in accordance with this department's disciplinary policy."

**47.2 The Department should make clear in policy that a violation of the Bias Free Policing Policy is a serious matter justifying significant discipline.**

**COMPLETED.** SPD's internal policy 402 does state that "employees found to be in violation of this policy are subject to discipline in accordance with this department's disciplinary policy." The policy was updated to state that a violation of this policy will be met with significant consequences for violations.

**47.3 The Department should consider committing the agency to an anti-racist philosophy that seeks to counter the influences of racism in society, generally.**

**COMPLETED.** Our existing policies regarding bias which contain the phrase "The Sebastopol Police Department strives to provide law enforcement to our community with due regard to the racial and cultural differences of those we serve. It shall therefore be the policy and practice of this department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group because of their race, ethnicity or nationality, religion, gender, sexual orientation, or disability"; and "The practice of racial/bias-based profiling is illegal and will not be tolerated by this Department (Penal Code § 13519.4(f))." establishes the fact that we will not tolerate racism, bias, or profiling of any type.

Additionally, SPD policy 319, Hate Crimes, states “The Sebastopol Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.” It further states “It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.”

These policies and the language contained in them, make clear that we are committed to an anti-racist philosophy that we take seriously and will do whatever is legally possible to combat racism, bigotry, hate and any form of discrimination that occurs in our community in order to protect the rights and safeguard all of our citizens.

**47.4 The Department should consider providing specific examples in its policy where bias in policing may arise, such as decisions to search a person or a vehicle, and explain that such practices are not allowed.**

**NOT COMPLETED.** Numerous specific examples are not currently listed in our policies, though it is clear that officers are not to engage in any behaviors that would qualify as exhibiting bias, profiling, or discriminatory behavior and are prohibited from making any decisions toward persons based on race, gender, sexual orientation or characteristics absent specific circumstances such as a crime occurred and the victim unequivocally states that the suspect was a person of color with certain other descriptors as an example. In addition, officers are legally bound by case law, the constitutions of the state and nation and policy as to when they are able to detain, or search people and vehicles. In addition, during legally required anti-bias and profile trainings, officers are subjected to various scenarios where specific examples of bias based behaviors and situations occur and they are tested on their tendencies toward bias.

**47.5 The policy should include a mandate that officers intervene when they see an example of biased policing and report any observed violation of the policy.**

**COMPLETED.** Both of our existing bias policies state “It is the responsibility of every member of Sonoma County law enforcement to prevent, report, and respond appropriately to clear discriminatory or biased practices.” We will be adding language to the current policy revision to our internal policy 402, Racial/Bias Based Profiling requiring intervention should officers witness any examples of biased policing or other violations of the policy.

**47.6 The Department should collect and analyze data on all stops, including robust demographic information, and share analyses of that data with the public in regular reports.**

**COMPLETED.** The Department finalized the data collection mechanism to meet the requirements of AB953, The Racial and Identity Profiling Act of 2015, known as RIPA. RIPA test data collection began 10/15/21 and was being submitted on a testing basis. Final implementation began on 1/1/21. Though SPD is submitting RIPA data,

Information about RIPA data and links to view RIPA data are on the Department's website under the Transparency and Department Data page.

**47.7 The Department should incorporate racial disparity data in early warning systems that indicate issues that could cause additional training or closer evaluation of officer conduct.**

**COMPLETED.** RIPA data is reviewed for disparity issues and as current data is posted by the Department of Justice it will be reviewed, analyzed and used as an early warning system. Should any complaint be lodged regarding any possible profiling or bias behaviors, the data would also be used to determine if a pattern may exist with a particular officer.

**47.8 The policy should address agency employee responses to observed bias from reporting parties during calls for service or enforcement actions.**

**COMPLETED.** Our policies are clear regarding the expectations of personnel should they witness inappropriate responses from reporting parties and the need to document hate incidents and crimes. Staff also receive ongoing training regarding communication, bias and hate. Those trainings include scenarios designed specifically for addressing these types of situations.

**48. SPD should consider adopting a policy to guide policing of public demonstrations that includes the following guiding principles:**

Please see the following individual responses to each sub-recommendation.

**48.1 A clear commitment to prioritize the protection of the First Amendment Rights of demonstrators to assemble and express themselves in public spaces freely;**

**COMPLETED.** SPD Policy 422, First Amendment Assemblies, states: "The Sebastopol Police Department respects the rights of people to peaceably assemble. It is the policy of this agency not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property." The Sebastopol Police Department will vehemently defend all people's First Amendment rights under our constitutions and laws as long as the activities are lawful and protected. This philosophy holds true for all our constitutional rights and rights inferred under all laws and court decisions.

**48.2 A prioritization of de-escalation as a core approach to effective crowd management**

**COMPLETED.** SPD Policy 423, First Amendment Assemblies, states that as a first step, information should be obtained from group organizers and/or leaders. In order to gather information from group organizers and/or leaders, it must be done in a non-confrontational way that creates a relationship for information to be shared. All current supervisors were trained in January 2020, so that if the department receives information in advance of a 1<sup>st</sup> Amendment gathering, efforts should be made to communicate with the leaders of the gathering and engage in productive dialog which includes SPD providing information how to safely and lawfully have a successful event and to work collaboratively with the group to avoid any issues. Should an event occur without our prior knowledge, depending on the size, location, and community impacts, we would take the same approach. Contact

leadership at the event and engage in productive conversation. There are times when an event is so small, peaceful, and unimpactful that we simply monitor it or respond to any citizen complaints without or prior to contacting any members of the group. These philosophies and responses have been shared with all sworn personnel. De-escalation and peaceful, non-confrontational response are the primary objectives when dealing with crowds and event management.

**48.3 A limitation on force in such circumstances to circumstances where it is both necessary and unavoidable to avoid harm to others or destruction of property;**

**COMPLETED.** Our current policy states: "Use of force is governed by current agency policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies)." All our use of force policies follows applicable laws and case laws requiring that only the absolute amount of force necessary should be used and that de-escalation attempts and warnings should occur whenever practicable. Additionally, on January 1, 2022, AB48 was passed into law and amended Penal Code §16352 that creates considerable restrictions and mandates on the types of force, kinetic energy devices and chemical agents that can be used upon protestors and when.

It states: "13652. (a) Except as otherwise provided in subdivision (b), kinetic energy projectiles and chemical agents shall not be used by any law enforcement agency to disperse any assembly, protest, or demonstration. (b) Kinetic energy projectiles and chemical agents shall only be deployed by a peace officer that has received training on their proper use by the Commission on Peace Officer Standards and Training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control, and only in accordance with all of the following requirements:

- (1) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (2) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (3) Persons are given an objectively reasonable opportunity to disperse and leave the scene.
- (4) An objectively reasonable effort has been made to identify persons engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of persons.
- (5) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (6) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (7) An objectively reasonable effort has been made to extract individuals in distress.
- (8) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (9) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (10) Kinetic energy projectiles or chemical agents shall not be used by any law enforcement agency solely due to any of the following:
  - (A) A violation of an imposed curfew.
  - (B) A verbal threat.
  - (C) Noncompliance with a law enforcement directive.

(11) If the chemical agent to be deployed is tear gas, only a commanding officer at the scene of the assembly, protest, or demonstration may authorize the use of tear gas.

(c) This section does not prevent a law enforcement agency from adopting more stringent policies.

(d) For the purposes of this section, the following terms have the following meanings:

(1) "Kinetic energy projectiles" means any type of device designed as less lethal, to be launched from any device as a projectile that may cause bodily injury through the transfer of kinetic energy and blunt force trauma. For purposes of this section, the term includes, but is not limited to, items commonly referred to as rubber bullets, plastic bullets, beanbag rounds, and foam tipped plastic rounds.

(2) "Chemical agents" means any chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. For purposes of this section, the term includes, but is not limited to, chloroacetophenone tear gas, commonly known as CN tear gas; 2-chlorobenzalmalonitrile gas, commonly known as CS gas; and items commonly referred to as pepper balls, pepper spray, or oleoresin capsicum."

Based upon all of the above, our current policy, and statutory legal requirements and law require us to meet this recommendation.

#### **48.4 Limits on the amount of force that officers may use to prevent the destruction of property**

**COMPLETED.** See above response to 48.3.

#### **48.5 A prohibition on the use of kinetic weapon projectiles into a crowd for any purpose.**

**NOT COMPLETED.** The use of kinetic weapon projectiles is now strictly governed and may only be used on specifically targeted individuals engaged in violent acts if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control. All other mandates included in AB48 must be met for them to be used. See above response to 48.3 for specific information. Staff will not enact a blanket prohibition on their use as recommended as this absolutely compromises SPD's ability to restore order and the public safety should a should an out-of-control riotous situation ever occur that is placing our citizens in grave danger. It would also limit our ability to have mutual aid resources come to our assistance to protect our town should we have such an overly restrictive clause in our policy.

#### **48.6 A ban on the use of tear gas to control groups or individuals who do not pose any immediate threat of serious harm to other persons**

**NOT COMPLETED.** See above response to 48.3. AB48 and Penal Code §13652 now strictly govern when and how chemical agents may be used during crowd control efforts. The use of these agents must be specific and directed towards individuals engaged in violent acts and are prohibited to be used indiscriminately against people who do not pose an immediate threat. Significant warnings are also required prior to any use. Existing policy and laws now meet this recommendation. Staff believes that to enact a blanket prohibition on their use as recommended, absolutely compromises SPD's ability to restore order and the public safety should a should an out-of-control riotous situation ever occur that is placing our citizens in grave danger. It would also limit our ability to have mutual aid resources come to our assistance to protect our town should we have such an overly restrictive clause in our policy.

**48.7 A prohibition on “kettling”, where police officers box in or guide demonstrators to an area that has no egress**

**COMPLETED.** Penal Code §13652 states: “(3) Persons are given an objectively reasonable opportunity to disperse and leave the scene” prior to any use of kinetic weapons or chemical agents. This subsection effectively prohibits “kettling” and satisfies this recommendation.

**48.8 Ensuring that an officer of the rank of Lieutenant or above is present to review & respond in real-time to any serious use of force by an officer during a demonstration**

**COMPLETED.** Current SPD Use of Force policy 300 requires that “a supervisor shall respond to the scene of any reported use of force, if reasonably available.” Additionally, per departmental directive, any use of force or other significant event that occurs which would include any use of force during a demonstration in addition to notification of any demonstration occurring as soon as we were made aware, requires immediate notification to an officer the rank of lieutenant or higher with Chief of Police notification as well. Under the circumstances mentioned above, the Captain and the Chief would respond to the scene even if it occurred during off hours.

**48.9 A prohibition on mass arrests; limiting arrests to individuals for which probable cause exists to justify an arrest;**

**NOT COMPLETED.** SPD policy 422 states: “Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.” An outright prohibition on mass arrests limits our ability to restore order and keep our citizens safe and hinders our ability to call upon mutual aid should it be needed in an emergency. For any person to be arrested in a mass arrest situation, probable cause must exist for every individual to be arrested as stated in our policy. This recommendation has been met absent the blanket prohibition. A blanket prohibition could endanger officers, the public safety, prevent us from being able to restore order in an extreme and very unlikely situation and would compromise our ability to receive mutual aid to restore order under extreme and highly unlikely circumstances.

**48.10 A prohibition on the use of obscene, insulting, or disrespectful gestures or language by police officers toward anyone present at a demonstration**

**COMPLETED.** This prohibition exists by virtue of policy 320, Standards of Conduct. Officers are prohibited from these types of behaviors during all interactions. Additionally, policy 422 states:

“Officers should not:

- Engage in assembly or demonstration-related discussion with participants.
- Harass, confront or intimidate participants.
- Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.
- Supervisors should continually observe agency members under their commands to ensure that members’ interaction with participants and their response to crowd dynamics is appropriate.

This recommendation has been met with our current policy.

**48.11 Limits on crowd dispersal to circumstances that create an immediate threat to public safety, or where widespread violence or property destruction reasonably appears imminent.**

**COMPLETED.** Current SPD policy 422 contains this directive and meets this recommendation. See above response to 48.3 for specific language.

**48.12 A requirement that orders to disperse be delivered in such a manner that they are audible to an entire crowd and are repeated (if possible), before efforts to enforce the dispersal order; include avenues to disperse in the announcement of the dispersal order;**

**COMPLETED.** SPD policy 422 states: "Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order."

As required by policy, dispersal orders should be amplified, repeated, provided in multiple languages when practicable and desirous and all efforts should be made for the crowd to disperse on their own prior to any action being taken by the police. This recommendation has been met.

**48.13 A requirement that police officers involved in the protest policing wear name tags and badges with their officer numbers visible**

**COMPLETED.** Our current uniform regulations policy 1020 states that all officers must don "a regulation nameplate, or authorized sewn on cloth nameplate, shall be worn at all times while in uniform." Additionally, we require officers to have either a cloth badge or a metal uniform badge on at all times with their badge number plainly visible and require them to have Sebastopol Police Department patches on their shoulders. Regulations and law also require officers to provide their badge number to anyone who requests it when it is feasible and practical to do so. This recommendation has been met.

**48.14 Explicit protections for members of the crowd to audio and video record or observe the demonstration at all times**

**COMPLETED.** Current SPD policy states officers shall not: "Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest." We are responsible for the personal property of any arrestee, and it would be booked into evidence for safekeeping or evidentiary purposes or booked into their property at the county jail with them. Additionally, filming the police and public activities are

safeguarded by the first amendment and those are explicit and have been upheld by case law. This recommendation has been met.

**48.15 Ensuring in advance that mutual aid agreements between responding police agencies clearly specify what policies and training govern policing of any protest.**

**COMPLETED.** When mutual aid is requested, these discussions take place at the time of the request. Generally speaking, outside agency officers fall under their own policies and regulations. However, should the requesting agency wish for outside agency officers to follow their policies, this needs to be made clear from the outset. If there are agency specific policies, operational mandates, or rules of engagement that the requesting agency wishes to be followed, that needs to be made clear and the responding agency can opt not to respond if they wish. In Sonoma County, the majority of policies with law enforcement agencies are nearly identical and we all follow the Sonoma County Chiefs Association protocols which provide for consistency in training, tactics and policy amongst agencies for circumstances such as mutual aid. During any mutual aid situation, all Sebastopol Police Department employees are bound by our policies, even if we are the responding agency to a request. The laws of the State of California also apply to all agencies during protests and 1<sup>st</sup> amendment gatherings to ensure consistent response and behavior during these incidents. This recommendation has been met.

**49. SPD should consider adopting an Immigration/ Immigrant Policy that includes the following principles:**

See below for responses to individual sub-recommendations.

**49.1 Include immigrants as a group characteristic protected by the Department's Bias-Free Policing Policy.**

**COMPLETED.** Immigrants are protected under our current Bias policies. We don't believe we should single out or highlight the immigration status of people when they are currently protected under various classifications of persons in our policy and by various state laws. The following statement from policy 402 meets this recommendation: "It shall therefore be the policy and practice of this department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group because of their race, ethnicity or nationality, religion, gender, sexual orientation, or disability."

**49.2 Prohibit SPD officers from taking any enforcement action based on actual or perceived immigration status; asking people about their immigration status; or assisting with a civil immigration enforcement action.**

**COMPLETED.** Various state laws provide for these protections. The Sonoma County Law Enforcement Chiefs Association members, including Sebastopol PD, recently signed and issued a letter to the community reiterating our stance based on state laws and our philosophy that we will not engage in any law enforcement activities related to immigration enforcement. Additionally, SPD policy 411, Immigration Violations, states: "To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions. Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6) An officer shall not detain any individual, for any length of

time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6). An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6). Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this agency should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

SPD values and respects the Constitutional rights, legal protections, and valuable contributions made by our immigrant citizens and neighbors. This recommendation has been met by our current policy.

**49.3 Guarantee language access in interactions with immigrant community members who have limited English proficiency, including seeking partnerships with community organizations trusted by immigrant community members, acting as culturally proficient translation providers for law enforcement interactions.**

**COMPLETED.** SPD policy 334, Limited English Proficiency meets this recommendation. The policy states: “It is the policy of the Sebastopol Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.”

The department contracts with a language interpretation service, has the ability to translate any forms or applicable materials into a person’s primary language, has several Spanish bilingual officers with one generally on duty most of the time, and is committed to obtaining any resources available and necessary to assist members of our Limited English Proficiency (LEP) neighbors.

**49.4 Provide cultural sensitivity training to officers and dispatchers to better assist them in the effective performance of their duties with immigrant community members and others whose cultures may not be as familiar to them.**

**COMPLETED.** All department personnel have received cultural sensitivity training, including education and enlightenment regarding immigrant communities and various cultures as part of their initial training and on a recurring basis as required by POST and legislative mandates.

**49.5 Prohibit sharing personal information about immigrant community members in the custody and control of SPD with federal authorities that could be used for civil immigration enforcement.**

**COMPLETED.** Any cooperation with Federal Authorities is regulated by policy 411, Immigration Violations. SPD jail facility is decertified permanently so we don’t maintain custody of any individuals or house them. All arrestees are booked into facilities controlled by the County of Sonoma, and we have no authority over their policies. SPD never shares immigration status with federal authorities regarding any contacts we have. This recommendation is in effect.

**49.6 Prohibit participation by SPD officers in federal enforcement actions related to civil immigration laws.**

**COMPLETED.** Per policy 411, SPD will not assist federal agents in enforcement of any civil actions related to immigration status. See response to 49.2 for full details.

**49.7 Conduct regular departmental outreach and engagement to immigrant communities whose members may work or reside in or travel through Sebastopol.**

**NOT COMPLETED.** Outreach efforts have been limited and hampered due to staffing and budget constraints. Moving forward we will host community events such as barbeques, community meetings, and National Night Out. I have reached out to the Hispanic Chamber of Commerce and will be meeting with them. Our goal is to have at least one community event in 2025 with this community.

**50. SPD should consider adopting a policy governing Interactions with Youth that includes the following principles:**

See specific responses to sub-recommendations below.

**50.1 Recognize that youth cannot fully understand complicated legal issues and admonitions during police interactions, and therefore require that communications with a youth witness or suspect must include their parent or guardian, absent an emergency that requires immediate action.**

**COMPLETED.** Many of our interactions are guided by statutory regulations and existing case law. SPD policy 311, Temporary Custody of Juveniles will be completely revamped by April 1, 2024, due to our holding facility being decertified.

Our current policy states: "Officers shall take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

Whenever a juvenile is taken into temporary custody, he/she shall be given the Miranda rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, he/she shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to his/her parent or guardian; one to a responsible relative or his/her employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5)."

Regarding interviews or interrogations, our current policy states: "No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of Miranda rights, an officer shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

Information is necessary to protect life or property from an imminent threat.  
The questions are limited to what is reasonably necessary to obtain the information relating to the threat."

Existing law and policy essentially require us to follow this recommendation, which we are doing.

**50.2 Where a police officer must provide admonitions such as Miranda warnings to a minor, consider translating such warnings into simpler language more understandable to a young mind, in addition to providing the full warning in writing.**

**COMPLETED.** SPD personnel have an acute awareness of the possible confusion that can result from reading or reciting the Miranda warnings as they are standardized. Based upon this fact, whether a juvenile or adult, whenever we provide the Miranda admonition, officers are trained to ask clarifying questions to ensure the individual understands what they are being asked. This includes simplifying and providing an explanation in terms that are understandable to the person and making sure they grasp the concept. For serious crimes, we have them sign an admonition form and any time we provide the Miranda admonition it is recorded on Body Worn Camera. We have implemented this recommendation.

**50.3 Recognizing the implications of the young brain's cognitive development and where possible and advisable, utilize restorative justice principles and approaches to resolve enforcement actions that involve youth.**

**COMPLETED.** As Chief, I implemented a Procedural Justice program and policy in conjunction with County Probation and Procedural Justice in May of 2023. All officers have been trained on the use of the program and we are referring youths to the program for low level offenses, particularly with first time offenders. The Procedural Justice Program is designed to provide "front and early" intervention to youth after law enforcement contact and before referral to the formal juvenile justice process. Through this low-level diversion program, Restorative Resources will strive to prevent gang violence and substance abuse as well as address impulsive and reckless decision-making. Equally important, the Procedural Justice Program will help victims, families, and our community heal from the harmful effects of crime. Staff are very pleased we have implemented this recommendation.

**51. SPD should consider adopting a Policy on Internal Affairs Investigation that includes the following principles:**

See below for information regarding each sub-recommendation.

**51.1 An investigator should make every reasonable effort to interview every complainant, both to ensure that the investigator understands fully the nature of the complaint and the complainant's view of the available evidence, as well as to convey to the complainant that the agency takes all complaints of employee misconduct seriously.**

**COMPLETED.** See response to Recommendation 28. This has been the current practice of SPD since September 2020. For an investigation to have credibility, integrity and to be defensible, all aspects need to be examined. All evidence and records related to the matter need to be gathered, cataloged and retained. Thorough interviews with the complainant, the involved employee(s), and any witnesses need to be conducted and documented and ideally recorded. Many of these practices are codified in the Penal Code under various sections which are commonly known as the Peace Officer Bill of Rights.

**51.2 Additionally, an investigator should interview all subject employees and employee witnesses named in a complaint.**

**COMPLETED.** Please refer to the above response to 51.1 and Recommendation 28. This is our current practice and will continue. To not follow this practice, jeopardizes the credibility and integrity of the investigation and leaves it open to challenge and subjectivity.

**51.3 Where possible, the investigator also should interview at least one third-party witness outside SPD in any investigation involving serious allegations, such as excessive force, racial bias, etc.**

**COMPLETED.** During any complex investigation, SPD would follow this practice. Reaching out to neutral, third-party subject matter experts is a best practice that has been and will continue to be followed, especially when the evidence and statements don't provide a clear-cut definitive answer to whether an allegation can or should be sustained. Policy 107.5.1 Has been updated with the suggested language.

**51.4 Regardless of the alleged misconduct's seriousness, the investigator should interview all witnesses with information material to the investigation.**

**COMPLETED.** This is and will continue to be our current practice. Please refer to the above response to 51.1 and Recommendation 28.

**51.5 When interviews are conducted, the investigator should ensure they are digitally recorded and secured to preserve an exact interview record for subsequent review by agency supervisors and any independent reviewer.**

**COMPLETED.** All interviews are recorded and are required to be under the Peace Officer Bill of Rights. Copies are provided to subject personnel, or they have the option of recording the interview themselves. This has been the best practice for administrative investigations or any investigation that may result in discipline for decades.

**51.6 The Department should improve its documentation of interviews by moving from digital sound recording, which is usually currently employed, to digital video recording with both sound and visual information that the investigator, supervisors, and any independent reviewer can review.**

**COMPLETED.** At this time, the Department does not have the capability of recording interviews by any means other than a body-worn camera, which does not provide an optimal perspective of both the interviewer and the subject being interviewed. However, BWC's do record both audio and video digitally and archive all recordings in cloud storage. The Department does not have the budget that will allow for a system to be purchased as indicated in this recommendation. A longer-term action item would be to identify funding to designate a room at SPD as an interview room with modern audio/video recording capability. As a result, recording of interviews will continue to be done with the use of body worn cameras and/or other portable recording devices.

**51.7 The Department should carefully preserve all documentary and video evidence that may play a role in any future investigation, with a clear chain of custody showing when and if it has been viewed or in possession of any agency employee.**

**COMPLETED.** This is our current practice and has been the standard operating procedure for some time. Policy 1007, Personnel Complaints- Administrative Investigations; and City of Sebastopol Resolution 2021-6329 (Records Retention Policy) address the retention of such records. All materials related to Administrative Investigations are retained in accordance to law and POST Decertification Process regulations and are kept secure and locked at SPD.

**51.8 Investigators should quickly secure any third-party evidence identified by the complainant or other witnesses or any evidence otherwise identified during the investigation.**

**COMPLETED.** This has been and remains our standard practice since September 2021. Whenever any evidence comes to light, we always attempt to secure our own copy of the material. The material is treated similarly to evidence in a criminal matter, except that it is not entered into our evidence system to prevent prying, unauthorized viewing of the material. Notes are taken regarding the source, date and time it was obtained and how it was obtained, which is detailed in the narrative of the investigation. The evidence is always secured and cataloged as part of the investigation.

**51.9 Each investigation should include the following information about any employee: a.) previous complaints filed, b.) previous administrative investigations and outcomes, c.) performance evaluations, commendations awarded and/or discipline imposed and why, and d.) information related to an employee's inclusion on the agency's Brady list, including any investigative or complaint file associated with that inclusion. This information should be considered and weighed carefully by the investigator, especially where the credibility of witness statements could influence the outcome of investigative findings.**

**COMPLETED.** Standard industry best practice is for each investigation to stand on its own merits with supporting evidence and documentation related to the specific complaint. The suggested information is generally never included in the main investigation documents. However, when determining potential discipline, this type of information comes into play and can be used as factors when appropriate. In essence, the facts and evidence resulting from the investigation itself must stand alone when the investigator makes a determination regarding the findings to specific allegations. I would equate this to criminal cases where jurists are usually not permitted to hear of defendants' prior criminal history unless a judge rules there is absolute relevance to the case at hand for them to be made aware of it.

The prior discipline and other information suggested in this recommendation does get reviewed and is included in the decision-making process when discipline is being considered. That information to substantiate any recommended discipline is included in memos that are authored by the Captain or Lieutenant, as well as the final findings memo authored by the Chief of Police. Those memos remain with the total investigation package, but it is not listed or a part of the initial investigation.

**51.10** Where policy requires body-worn camera video to be recorded for particular types of incidents, but witnesses state that the video was not recorded, the lack of such evidence should be a separate subject of the investigation. The investigation should explore the reasons for the absence of the video in some detail.

**COMPLETED.** SPD policy 417, generally requires officers to activate their Body Worn Cameras the majority of the time. If during the course of an investigation it was learned that an officer had failed to activate their camera during the incident being investigated, a charge of violating that policy would be added to the investigation and absent some viable or approved reason for the camera not being activated, there would be a sustained policy violation regarding the non-activation of the BWC.

**51.11** Each investigation should include a thorough analysis of all allegations made by the complainant.

**COMPLETED.** This was addressed previously and is standard practice with all our investigations. Each allegation is listed along with the applicable policies and/or laws that were possibly violated in the allegations sections of the report. Based on the investigative results, each allegation and the related finding is addressed separately along with the reasoning for the finding.

**51.12** The Department should adopt a formal written policy forbidding any retaliatory acts by agency employees against community members who file complaints against, or provide evidence in investigations of complaints against, Department employees.

**COMPLETED.** This type of behavior is not tolerated by SPD, and is prohibited by policy 320, Standards of Conduct, which states under 320.5.2: "The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose" is a violation of this policy. Were it to be discovered, an administrative investigation would result, and a sustained finding would result in serious discipline.

**51.13** The Department should include this non-retaliation policy on its formal complaint forms and any other written materials that describe the complaint process.

**COMPLETED.** As the chief, I believe a statement to this effect should be included on the complaint form. The form has been modified to include this language.

**51.14** SPD should adopt a formal Conflict of Interest Policy to forbid involvement of employees in any investigation that involves a person or organization with which the employee has a familial, financial, and/or significant personal relationship.

**COMPLETED.** As previously stated in response to recommendation 31, the revision of SPD Policy 1007, Personnel Complaints, prohibits the immediate supervisor from serving as the investigator of a complaint if he/she was involved in the incident or the ultimate decision maker on the matter. The policy appropriately addresses conflicts-of-interests. Should there ever arise even a hint or a possible question relating to a potential conflict-of-interest, that supervisor would not be involved in any way in the investigation. In cases where no supervisor within the Department falls outside the conflict-of-interest parameters, the IA will be assigned to an investigator outside of the Department.

**51.15**        **The Conflict-of-Interest Policy also should forbid any employee from involvement in the conduct or management of any investigation in which that employee is implicated as a subject, supervisor, or witness, or if the employee’s personal or professional interests would be affected by the outcome of the investigation.**

**COMPLETED.** As previously stated, this recommendation is standard practice and is included in our Personnel Complaint policy.

**51.16**        **When conducting witness and officer interviews, investigators typically should utilize open-ended questioning (as opposed to leading or hostile questions) and maintain a neutral demeanor. The investigator should encourage the witness to remember and provide all of the information of which they may be aware.**

**COMPLETED.** As previously stated in the response to recommendation 29, these are the techniques utilized by SPD during investigative interviews. As part of our training plan, all sworn personnel are sent to interview and interrogation training within their first year if possible. These questioning techniques are emphasized during the training with practical exercises incorporated to help attendees hone their skills and grasp the concepts. The use of open-ended questioning elicits more information from which follow-up more specific questions can be developed if needed.

**51.17**        **Investigators should undertake a full analysis of factual evidence and should consider and weigh all material evidence, both for and against a specific finding.**

**COMPLETED.** This is the current and standard best practice performed for all investigations. All evidence is reviewed, considered and weighed when making determinations as to findings.

**51.18**        **In addition, where the investigator makes findings, the analysis should reference any specific criteria of the relevant policy and explain why the evidence meets or does not meet that criteria.**

**COMPLETED.** As previously mentioned, each finding contains details regarding the finding and the basis for that finding with a thorough explanation to include supporting policies and evidence to support the finding or disprove the allegation.

**52. SPD should consider adopting a Body-Worn Camera Policy that includes the following guiding principles:**

See below for individual responses to sub-recommendations.

**52.1 Define the overall purpose of body-worn cameras (BWC) as providing an accurate video record of interactions between police officers and the public, without limited that purpose to collecting evidence for criminal or administrative investigations.**

**COMPLETED.** This language is now in the policy.

**52.2 SPD policy 417, Body Worn Cameras and Audio Recorders, does not contain this provision currently.**

**COMPLETED.** Policy 417.7 has been updated with the suggested language. That body-worn cameras (BWC) as providing an accurate video record of interactions between police officers and the public, without limited that purpose to collecting evidence for criminal or administrative investigations.

**52.3 Require officers to activate their BWC at the moment it is clear that they will interact with a member of the public in any official capacity beyond a friend greeting or casual conversation.**

**COMPLETED.** This is our current policy as stated in SPD policy 417 which states: “Unless, it would be unsafe, impossible, or impractical for the situation, members are required to activate their BWC prior to making contact when responding to all calls for service, and during any law enforcement related encounters and activities that occur while the member is on duty.”

**52.4 Once activated, require officers to maintain their BWC in an active state until the officer’s participation in the incident has ceased, including any transport by the officer of a suspect to a detention or medical facility.**

**COMPLETED.** This recommendation is now in effect. Policy 417.6 was updated to require BWC’s to remain on until the cessation of the incident and/or through the completion of transport.

**52.5 Require officers to notify a member of the public when they are being recorded by the BWC, where possible given the nature of the interaction.**

**COMPLETED.** Current policy states: “Members are encouraged to advise private persons they are recording if the advisement may gain compliance or assist in the investigation, and it will not interfere with the investigation or officer safety, i.e. a hostile contact during a traffic stop.” The public has become very familiar with the fact that we wear BWC’s and they presume they are being recorded. Officers do provide notice in most cases. Policy 417.6 has been updated and now reads “whenever practicable, officers should advise members of the public they are being recorded by the BWC”.

**52.6 Require an officer to report any incident where they did not activate their BWC in situations where the policy required it and explain the reason for such failure.**

**COMPLETED.** The current policy requires officers to activate their cameras with very limited exceptions. Should an officer fail to do so, they are required to notify their supervisor and document it in the report or the incident notes.

**52.7 Include in the policy a notice that the failure to activate a BWC where required, and without a reasonable explanation for such failure, will result in discipline.**

**COMPLETED.** Officers are currently required to provide notification when they fail to activate their BWC's. The policy states this and officers understand discipline may occur as a result of failing to activate their BWC's when required. Our policy now contains this language.

**52.7 Communicate to officers that a violation of the BWC Policy will be considered a serious violation deserving of significant discipline.**

**COMPLETED.** Our policy now states that it is a serious violation deserving of significant discipline to fail to activate their BWC's. If we have an issue with an officer not activating their camera, we will initiate an investigation and render appropriate discipline to reflect we take the issue seriously.

**52.8 Require that BWC video footage be downloaded from BWC units as soon as possible at the conclusion of a shift, and clearly prohibit editing, erasing, copying, sharing, altering, or distributing recordings, except as otherwise allowed by policy.**

**COMPLETED.** Our current BWC policy states: "Members are prohibited from making personal copies of recordings, including utilizing secondary/personal recording devices to create a duplicate recording. Members shall not duplicate or distribute such recordings, except for authorized departmental business purposes. Members are prohibited from retaining recordings of activities or information obtained. Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule."

Security permissions inherent with the system do not allow officers to edit, erase, alter, or delete any video files. Policy specifically addresses the deletion and retention of BWC files and who may authorize and physically delete files.

We updated our BWC system in Spring 2023 so that at the conclusion of each shift, officers are required to place their BWC in a docking station to recharge. All newly recorded video footage is automatically uploaded to cloud storage so that this function is conducted at the conclusion of each shift.

**52.9 Clearly state the Department's commitment to transparency in the release of BWC camera footage for high-profile events at the earliest opportunity that will not substantially interfere with an open investigation.**

**COMPLETED.** Both the preface of our policy manual, which is a message from the Chief, as well as our BWC policy now includes this information regarding a commitment to transparency. All requests for the release of Body Worn Camera footage are forwarded to the Chief of Police who makes the decision whether or not to release the footage in accordance with applicable laws. Were an incident to occur that required the invocation of the County wide protocol, SPD would work with the lead investigating agency and our legal representatives to determine the applicable time to release any video footage. SPD command staff is committed to transparency and will release video at the earliest opportunity to do so. The following language was added to policy "The Sebastopol Police

department is committed to being transparent in the release of BWC footage for high profile events at the earliest opportunity that will not substantially interfere with an open investigation.”

**52.10 Clearly state the Department’s commitment to protect the privacy of members of the public recorded on BWC video, to the extent reasonably possible.**

**COMPLETED.** This issue is addressed in our current BWC policy: “Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using the same criterion. Recording should typically resume once the identified privacy concern has been addressed and/or resolved.”

Though there is no expectation of privacy in public, nor during interactions with law enforcement, SPD is mindful of this as noted in our policy. Any release of video files to the public would take this into consideration as well and would likely be redacted to provide privacy protection to uninvolved people as permitted by law. This recommendation has been met.

**53. The Department should enhance the clarity and accessibility of its website in terms of required information and consider ways to further utilize it as a vehicle for informing and engaging the public.**

**COMPLETED/ONGOING.** The department and city website underwent a redesign in 2023. Prior to that, the police department pages had been updated to include a transparency page as well as many documents required by law to be posted. Ongoing additional updates are being added to the website.

**54. SPD should engage community members at the interview stage of its hiring and promotional processes.**

**COMPLETED.** Since September 2020, our hiring processes and promotional processes have included at least one community member on the interview panel not connected with law enforcement. In addition, the promotional processes have also included one panel member in a supervisory position from an outside agency in Sonoma County to eliminate bias and provide additional perspective. These practices will continue during future processes.

**55. SPD should seek out and implement additional processes to gather feedback from the broader Sebastopol community concerning the Department’s operations and values.**

**COMPLETED.** Department leadership is constantly about in the community receiving feedback regarding the department and its staff’s performance. We have placed our Citizen Comment forms on our website and in our lobby. We utilized a service for a time called OpenPolicing.org to solicit feedback. The Chief and Captain as well as staff regularly attend community functions and have held meetings and done presentations with community groups. But more is to be done, and it will be. Command Staff will begin holding regular community meetings in 2025.

**56. SPD should create a feedback loop for its criminal justice and social service partner regarding the performance of its employees and the Department as a whole.**

**COMPLETED.** The Chief and Captain attend monthly meetings with all the Chief's and seconds in command in the county to be able to receive feedback regarding department employees and the department. We have built relationships with Verity, Adult Protective Services, Procedural Justice and Senior Advocacy services and had their leadership provide in person trainings to our staff. All these agency leaders have a personal relationship with command staff and know they can pick up the phone anytime to discuss any issues, problems, or provide feedback to SPD. Where for a time, SPD had been somewhat isolated from the overall county criminal justice and social services partners, we now are part of that community and built strong partnerships.

- 57. SPD should develop an effective mechanism to obtain robust community input into police department decisions on significant policy changes, enforcement strategies, or other major issues.**

**COMPLETED.** The Department has implemented a Transparency and Department Data section on its website where feedback is encouraged, and department data can be found. In that same website section, future policy proposals and changes, along with any other significant matters will be posted to allow the entire community to provide feedback before any implementation occurs. Additional mechanisms will be implemented to allow input anytime there are significant enforcement strategy changes or major issues of community concern.

- 58. City leadership should establish a community process to consider and create a model of independent, effective civilian oversight that is appropriate to Sebastopol's needs.**

**NOT COMPLETED.** Generally, civilian oversight is conducted by hiring an independent person. Budget constraints limit our ability to do that at this juncture. The good news is that the Sebastopol Police Department has undergone a significant revamping process over the past 3 years. Most of the recommendations made by the Independent Police Audit have been implemented. SPD is functioning at a high level and is a modern, responsive, community and service-based department always striving to meet community expectations and represent our town's values. Morale has been greatly improved and staffing levels are nearing normal. SPD is not rife with problems, internal issues, nor are its officers engaging in acts that are cause for concern. We have not been sued in the last 4 years over the actions of an officer, had no excessive force claims and have not had any citizen complaints in 2024.

### **In Conclusion**

The SPD policy manual is going through a complete review and updating process as there have been many legal and best practice changes industry wide since the last update was completed in April 2022. Recommendations for critical policies have already been updated in an ongoing as needed basis due to legal changes or significant best practices changes, but a complete revision is underway and about is about 75 percent completed. The process is quite comprehensive as every one of our approximately 150 policies must be reviewed in their entirety and modified with available updates and edits specific to our department. We will have this completed by March 2025 and quite possibly sooner.

In addition, the police department website is undergoing some additions and updates to provide a better product to the public and to meet the requirements of some of the recommendations. We have set a goal to have all website modifications completed by January 1, 2025.

With this report, I have tried to provide as much information as possible to clarify actions SPD has taken in response to each recommendation, and to explain how we have implemented a recommendation with policy and procedure detail included.

When I became Chief in August of 2022, I continued the commitment to review departmental operations, policy, procedures and practices. When Captain Hickey came on board in June of 2023, I emphasized the importance of this task and shared my vision of this commitment with him, and this has been one of our main focuses. In combination with the input from our staff and the recommendations from this report, Captain Hickey and I also factored in our personal philosophies regarding policing to continue to move SPD into a more modernized, progressive policing model.

With this current review, most of the remaining items that have not been implemented have been completed. There are a few remaining items that due to fiscal considerations cannot be accomplished at this time. There are also a few recommendations or portions of a recommendation that Command Staff know would not be prudent, in the best interests of the citizens of Sebastopol, or would too greatly compromise the safety of our officers to implement. That said, these are recommendations, not mandates. Command Staff has an obligation to provide our views and input always keeping the overall best interests of our community and our staff at the forefront.

Staff worked very collaboratively with Mr. Threet and provided him with full access to whatever was needed for him to accomplish the completion of his review. We found the experience enlightening, and enjoyed our conversations about policing, and the state of our department with Mr. Threet. Staff feels that this report has been a great tool and “road map” for us to improve and learn from. Staff appreciates all of the work that has gone into this process and want to thank all involved as well as the citizens of our wonderful community who helped produce a candid, useful document which has served us all well.

# UPDATED STATUS REPORT – ON THE INDEPENDENT POLICE AUDIT CONDUCTED BY MR. JERRY THREET

December 3, 2024

Presented by Chief of Police Ron Nelson

- ▶ In 2020, the City of Sebastopol contracted with Mr. Jerry Threet, former director of IOLERO (Independent Office of Law Enforcement Review and Oversight) to conduct an independent audit of the Sebastopol Police Department's operations, policies, practices, and culture.
- ▶ Issues had come to light regarding the police department which coincided with some tragic incidents nationwide calling for police reform.
- ▶ Mr. Threet completed and presented his report to the City of Sebastopol and the public in June 2021.
- ▶ This is the fourth report on the status of the recommendations.
- ▶ At time Mr. Threet provided the report, many of the recommendations contained in the report had also been identified by new police management and were implemented or in the process of being implemented.

UPDATE ON THE STATUS OF THE INDEPENDENT POLICE AUDIT – 12/3/24

- ▶ The last report occurred in December 2023.
- ▶ At the time of that report, 131 of the 146 recommendations had been implemented or completed.
- ▶ Staff committed to reviewing and implementing an additional 8 recommendations prior to the next report.
- ▶ All 8 of those recommendations have been implemented.
- ▶ Those recommendations included policy changes requiring officers to keep Body Worn Cameras always activated, including during transports to County Jail.
- ▶ Language in the BWC policy that non-activation would be considered a serious policy violation subjecting them to serious discipline.
- ▶ Language on our Complaint Forms to indicate that retaliatory acts for lodging a complaint are prohibited and will result in serious discipline.
- ▶ A Transparency Statement in the BWC policy stating that the department is committed to releasing Body Worn Camera footage at the earliest possible time following a critical incident.
- ▶ A link to our Complaint/Commendation Form should be placed on our website as well as an anonymous method for the public to provide any feed back to the police department.

UPDATE ON THE STATUS OF THE INDEPENDENT POLICE AUDIT – 12/3/24

## CURRENT STATUS OF RECOMMENDATIONS OVERALL

- ▶ 139 of the 146 recommendations have been completed, implemented and are part of department policy, operations, and culture.
- ▶ These equates to a 95% completion rate of the recommendations made.
- ▶ 8 recommendations are not prudent either due to significant public safety considerations or not feasible due to fiscal concerns.
- ▶ The process and the results of the audit and report have been successful resulting in positive change, modernization, and the implementation of best practices within the Sebastopol Police Department.
- ▶ The changes have also provided better transparency, accountability, and accessibility for the public to their police department.
- ▶ Every recommendation was given serious consideration and thought, and any recommendation that could reasonably be implemented, has been.

UPDATE ON THE STATUS OF THE INDEPENDENT POLICE AUDIT – 12/3/24

## MOVING FORWARD

- ▶ The audit process began nearly 4 years ago with the report being presented nearly 3 ½ years ago.
- ▶ The recommendations that can be implemented and completed, have been.
- ▶ The process has been a success and produced the desired results. Based on all these factors, the report and audit achieved the desired results but has reached its conclusion.
- ▶ The Sebastopol Police Department is committed to continuously evolving, evaluating itself and is committed to changing with community needs, expectations while continuously innovating for better service delivery.
- ▶ Feedback mechanisms to critique, offer suggestions, and provide transparency are in place and will help guide us in meeting our commitment to our community.
- ▶ Our City Council and City Leadership will continue to provide feedback, suggestions, and directives to help the Sebastopol Police Department meet our community's expectations and public safety concerns.
- ▶ We are committed to transparency, and to being responsive. Members of the public are encouraged to reach out directly to the Chief of Police or the Captain at 707-829-4400; or via email to Interim Chief Ron Nelson at [rnelson@cityofsebastopol.gov](mailto:rnelson@cityofsebastopol.gov); or to Captain Jim Hickey at [jhickey@cityofsebastopol.gov](mailto:jhickey@cityofsebastopol.gov).

UPDATE ON THE STATUS OF THE INDEPENDENT POLICE AUDIT – 12/3/24