

VALLEJO POLICE DEPARTMENT:
Independent Assessment of
Operations, Internal Review Systems,
and Agency Culture

May 2020

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Table of Contents

Introduction	1
Methodology	5
PART ONE	The Vallejo Police Department: Recent History and Present-Day Realities 7
PART TWO	New Resources, New Leadership, and Opportunities for Change 13
PART THREE	Internal Review Systems: Assessments and Suggestions 21
	VPD and Body Cameras 21
	Officer-Involved-Shootings and Critical Incident Review 24
	Other Uses of Force..... 35
	Complaints and Allegations of Misconduct 40
	Other Review Protocols 48
	<i>Civil Claims</i> 48
	<i>Evaluations</i> 50
PART FOUR	Other Operational Issues 53
	Officer-Involved Shootings: Community Outreach and Transparency 53
	Transparency and Community Engagement 58
	Independent Oversight 60
Conclusion	63
Recommendations	65

Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Methodology

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Meanwhile, comparatively low salary rates comprise another problematic legacy of the original financial difficulties. In conjunction with other challenges of the job, this basic reality makes it difficult to recruit desirable candidates¹ and alleviate the workload concerns, even though the current budget would allow for the filling of several more positions.² It has also been a factor – dating back to 2008 – in the departure of officers as lateral transfers to other agencies. Collectively, then, VPD has spent more than a decade in which its own experienced officers often leave to go elsewhere, and the experienced officers from other agencies have been less inclined to reciprocate than in the past.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Staffing and Infrastructure

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

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

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

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

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

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

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

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

⁵While VPD currently has a civilian “Police Assistant” classification, a Community Service Officer model would more readily lend itself to public recognition and engagement.

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

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

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

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

Recruitment and Hiring

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Innovative Policing Models

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

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

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

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

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

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

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

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

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PART THREE: Internal Review Systems: Assessments and Suggestions

VPD and Body Cameras

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Officer-Involved-Shootings & Critical Incident Review

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Administrative Review Process

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ideally, in our view, the Department would consider the implications of each critical incident through a phased response. Members of its Professional Standards Division would put together an initial presentation for Board members and executives (including the Chief) within a week or two of the incident; the goal at this stage would be to focus less on individual accountability¹⁶ than on identification of potential issues in policy, training, supervision, tactics, or community response that are time sensitive and/or broadly relevant to agency operations. These are matters that could and should be addressed quickly – even during the pendency of the criminal review. This meeting should generate individual “action items” that are assigned to specific people for completion, a process that the Professional Standards Division could help track.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Other Uses of Force

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Complaints and Allegations of Misconduct

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

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

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

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

Intake of/Receptivity to External Complaints

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

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

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

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

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

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

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

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

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

Notification Letters

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

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

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

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

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

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

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

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

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

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

Investigative Issues

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

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

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

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

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

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

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

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

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

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

Thoroughness of Investigation/Scope of Review

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

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

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

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

Level of Discipline

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

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

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

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

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

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

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

Other Review Protocols

Civil Claims

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

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

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

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

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

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

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

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

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

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

Evaluations

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

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

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

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

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

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

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

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

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

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PART FOUR: Other Operational Issues

Officer-Involved Shootings: Community Outreach and Transparency

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

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

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

Designate a Family Liaison

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

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

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

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

Reach Out to Impacted Family Members

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

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

Objectively Disseminate Public Information

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

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

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

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

Conduct Neighborhood Meetings

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

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

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

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

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

Commit to Transparency

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

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

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

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

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

Keep Litigation Issues Separate from the Official Department Response

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

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

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

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

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

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

Transparency and Community Engagement

Department Website

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

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

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

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

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

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

Community Engagement in Promotional Process

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

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

Surveys and other Feedback

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

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

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

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

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

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

Independent Oversight

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

(Recommendation 2.8)

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

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

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

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

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

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

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

Conclusion

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

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

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

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

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

Recommendations

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

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

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

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

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

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