

CITY COUNCIL
Lori Wilson, Mayor
Wanda Williams, Mayor Pro-Tem
Anthony Adams
Jane Day
Michael Segala



CITY COUNCIL MEETING

First and Third Tuesday
Every Month

A G E N D A

SPECIAL MEETING OF THE ADVISORY COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT OF SUISUN CITY

THURSDAY, AUGUST 27, 2020

6:30 P.M.

SUISUN CITY COUNCIL CHAMBERS -- 701 CIVIC CENTER BOULEVARD -- SUISUN CITY, CALIFORNIA

NOTICE

Pursuant to Government Code Section 54953, Subdivision (b) and Executive Order released on March 12, 2020, the following Public Safety and Emergency Management Committee includes participation via the application ZOOM.

PER CITY POLICY, MEMBERS OF THE PUBLIC ARE REQUIRED TO WEAR FACE MASKS WHILE IN CITY FACILITIES. IF YOU DO NOT HAVE A FACE MASK, ONE WILL BE PROVIDED FOR YOU.

ZOOM MEETING INFORMATION:

MEETING ID: 862 8323 1883

WEBSITE: <https://zoom.us/join>

CALL IN PHONE NUMBER: (707) 438-1720

REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE PUBLIC SAFETY AND EMERGENCY MANAGEMENT MEETING BY EMAILING CLERK@SUISUN.COM (PRIOR TO 12:00 NOON ON THURSDAY) OR VIA WEBSITE OR PHONE APPLICATION, ZOOM.

*(If attending the meeting via phone press *9 to raise your hand and *6 to unmute/mute for public comment.)*

ROLL CALL

Committee Members

PUBLIC COMMENT

(Oral participation from the audience is limited to 3 minutes to each speaker).

REPORTS: (Informational items only.)

1. Recent Fire Department Activity – (Vincent: jvincent@suisun.com).
2. Recent Police Department Activity – (Roth: aroth@suisun.com).
3. City Manager Update – (Folsom: gfolson@suisun.com).

GENERAL BUSINESS

4. Traffic Committee Update - (Roth: aroth@suisun.com).
5. Homeless Activity Update – (Roth: aroth@suisun.com).

DEPARTMENTS: AREA CODE (707)

ADMINISTRATION 421-7300 ■ PLANNING 421-7335 ■ BUILDING 421-7310 ■ FINANCE 421-7320
FIRE 425-9133 ■ RECREATION & COMMUNITY SERVICES 421-7200 ■ POLICE 421-7373 ■ PUBLIC WORKS 421-7340
SUCCESSOR AGENCY 421-7309 FAX 421-7366

6. Neighborhood Watch Update (Continued to Future Meeting) – (Roth: aroth@suisun.com)
7. Review Public Safety and Emergency Management Citizen’s Advisory Committee Annual Work Plan Update per Council Resolution No. 2020-88 - (Roth: aroth@suisun.com).
8. Suisun City Fire Department Needs Assessment Committee Review and Discussion – (Vincent: jvincent@suisun.com).
9. Items for Future Public Safety Committee Consideration as Requested by Members of the Committee.
10. Date and Time of Next Public Safety Committee Meeting.

PUBLIC COMMENT

(Oral participation from the audience is limited to 3 minutes to each speaker)

ADJOURNMENT

Agenda related writings or documents provided to a majority of the Committee less than 72 hours prior to a Committee meeting will be made available for public inspection during normal business hours. An agenda packet is also located at the entrance to the Council Chambers during the meeting for public review. Assistive listening devices may be obtained at the meeting.

Deliverable Public Safety Work Plan **DRAFT** 2020

On June 13th, the City Council of Suisun City held a special meeting to publicly address a letter from the African American Organizations of Solano County requesting that Suisun City develop and post on its website “Actions to Address the Needs of African-Americans,” no later than the close of business on September 30, 2020. The action plan submitted in the letter included the following as it relates to the police department:

4. Implement a restructuring of the California Officers Bill of Rights to include the following: require police officers to wear body cameras, develop de-escalation training for law enforcement officers, require implicit bias training for all police officers, sheriff deputies, correctional officers and probation officers.

5. Review of each jurisdiction's use of force policy and review of its alignment with AB 932: Peace Officers Deadly Force. Each City within Solano County should establish a Citizens Review Board that is funded and professionally staffed to remove Officers who have been found to use excessive and deadly force.

6. Require all cities in Solano County, including the Solano County Sheriff's Department to establish a Human Relations Commission that meets monthly, requiring the collection of statistical information on excessive use of force complaints.

While the Suisun City, City Council does not have the ability to implement a restructuring of the Peace Officers Bill of Rights in CA as listed in item 4, the council did address the Suisun City Police Department’s policies as they relate to the wearing of body cameras, de-escalation training, and frequency of implicit bias training during this June 13th, 2020, meeting. Additionally, a review of the SCPD’s use of force policy was also completed and found to be in line with AB932 as requested in item 5.

Lastly, as it relates to item 6, the City determined there is already a citizen committee established in Suisun City charged, in part, to review, recommend and receive reports on items involving public safety, on which the Police Chief currently sits as a member of staff. This committee is made up of several citizens appointed by the City Council and it is officially referred to as the Public Safety & Emergency Management Citizen Advisory Committee.

In addition to the letter from the African American Organizations of Solano County, the council received letters from the community supporting the Campaign Zero initiatives. Of these 10 initiatives, body cameras, training, use of force, and community oversight were items of concern also brought up by the letter from the African American Organizations of Solano County. Of additional concern was ending the use of Broken Windows Policing, demilitarizing the police and community representation within the police department.

Although some of these items of concern were evaluated by the City Council during the June 13th, 2020, meeting, the Council requested additional review be conducted by the Advisory Committee

and approved an annual workplan for the Public Safety & Emergency Management Citizen Advisory Committee to evaluate the following items, bringing back a deliverable report to the Council during the month of September, 2020:

- **Review policy and procedures related to providing training on implicit bias**
- **Review policies in recruiting for diversity reflective of community**
- **Review of “Broken Window” type policing policies**
- **Review of policies related to purchasing or using military weaponry, craft a policy for council review regarding annual notification of the purchase and inventory of military weaponry.**
- **Review community complaint policy and process for complaint review**
- **Review content of Annual Police Report to include diversity of police department, number of citizen complaints, breakout of crimes by self-reported race, and any additional statistics that will require transparency.**

After the direction from Council, the Public Safety & Emergency Management Citizen Advisory Committee held a public meeting on Thursday, July 30th, 2020, and received a presentation from the Chief of Police on all of the topics outlined above. An outline of that presentation as it was disseminated to the Public Safety & Emergency Management Citizen Advisory Committee is attached to this report in order for the council to review what was covered during the meeting.

In short, this Committee came to a consensus on all of these items as follows:

- **Review policy and procedures related to providing training on implicit bias**
Discussion was held on Police Department Policy 401.7 outlining the State of CA Peace Officers Standards and Training (POST) guidelines to provide personnel Implicit Bias training every 5 years. An update that this POST training was completed by the Department in July, 2020 was provided. Additional information was given that training on *Implicit Bias: Facts and Myths* provided by Target Solutions is forthcoming.
- **Review policies in recruiting for diversity reflective of community**
Discussion on Police Department Policy 1000 emphasizing diversity in hiring and placing diversity as an important quality when hiring was held. Discussion was held with regard to a black police officer leaving for another police agency in Solano County during the month of July, 2020, who also works for a local police academy that was previously assisting in recruiting people of color at Suisun City PD. Even though the Department has lost this direct pipeline to recruit diverse individuals, the Police Department intends to continue placing an emphasis on hiring people that are reflective of the diversity of the Suisun City community and intentionally seek out individuals reflective of the Suisun City community when recruiting. Information was provided that of the last 8 officers hired in the past year the Police Department hired 4 women, 2 Asian officers, 1 Hispanic officer and 1 officer of Middle Eastern decent.

- **Review of “Broken Window” type policing policies.**

A robust discussion in this area was held by the Committee after a review of an article about Broken Windows Policing. This discussion included evaluating the types of crimes associated with Broken Windows Policing relating to quality of life crimes such as loitering, public drinking and graffiti. Discussion on how addressing Broken Windows Policing affects the public, or how pulling people over for relatively minor violations might impact people of color.

A question was asked by a committee member on whether Broken Windows Policing was specifically used in Suisun City. The police chief stated the Police Department does not refer to enforcement activities as Broken Windows Policing. When police staff act on open containers it is due to the association that public drinking leads to public intoxication, which is a community caretaking issue. Information was provided by the police chief that warnings are given regarding public drinking prior to issuing citations in almost all cases. Loitering is also not enforced to a great degree due to the various published case law, and graffiti is enforced because most often there is a victim who needs to pay to correct the graffiti. SCPD enforces all laws when they have the ability based on pride in the community and the desire to provide a safe area that people will want to live in and visit.

More discussion was had regarding the time officers have to address lower level criminal offenses. Officers are most often responding to calls rather than proactively addressing lower level offenses. However, officers will sometimes target areas of concern after several complaints from the community are received or after a substantial warning campaign has been engaged in.

The Committee also acknowledged there is no scientific study that shows the Broken Windows Policing model is effective. However, the Committee also voiced concern that an officers’ ability to address crime should not be hindered by a policy veering away from enforcing lower level crimes. The police chief discussed the goal of the Police Department is to gain trust from the community even in times of making an arrest or issuing a citation, so treating the community with respect during times of any offense level arrest or citation is key.

The Committee also acknowledged that the community asked for this issue to be investigated and evaluated against the possible issue related to racial discrimination. There was consensus that the community must feel that the right thing is being done by the Committee during this evaluation of policy.

A request was made by the Committee as to whether the PD had data regarding the Broken Windows Policing theory specifically in Suisun City. At the time of the meeting, data was not available with regard to enforcement of Broken Windows Policing crimes. After the meeting,

the police chief researched the last year of data with regard to the three main crimes referred to when speaking about Broken Windows Policing: Loitering, graffiti and public drinking.

Out of 807 misdemeanor arrests in the past year, the police department issued misdemeanor or administrative citations for the following: 1 citation for loitering (white female); 2 administrative citations for drinking in public (1 white male and 1 black male); and 1 administrative citation for an open container in public (1 black male who received a warning the week prior).

In addition to the misdemeanor crimes, 1 felony arrest for graffiti was made, but no misdemeanor citations for graffiti were issued. The individual arrested for the felony was a black male adult who spray painted a private property wall several times causing over a \$1,000 worth of damage.

- **Review of policies related to purchasing or using military weaponry, craft a policy for council review regarding annual notification of the purchase and inventory of military weaponry.**

The Police Chief reported the department does have department purchased AR-15 style rifles for patrol. The purpose of these rifles is for deployment in an active shooter or high-level felony situation. The department does not, nor does it intend to, procure military weaponry or armored vehicles. Discussion was had with regard to publicly listing the style of military weaponry the department has on its website. Since the department has no military weaponry, this discussion was closed.

- **Review community complaint policy and process for complaint review.**

The department complaint policy, Police Department Policy 1012, was reviewed by the committee and an explanation was provided that this policy falls in line with state law and best practices. Discussion was had with regard to including possible outside investigative bodies in the policy as it relates to conducting complaint investigations, as well as being able to outline the online complaint submittal capabilities afforded to Suisun City community members.

- **Review content of Annual Police Report to include diversity of police department, number of citizen complaints, breakout of crimes by self-reported race, and any additional statistics that will require transparency.**

Information was provided to the committee with regard to the above requested issue. This information was added into the Annual Police Report for 2019 during the month of June, 2020, and will continue to be part of future reports. A question was posed to the committee as to the meaning of “breakout of crimes by self-reported race” and what it means. No

consensus on the meaning of this phrase was determined, but there was a brief discussion regarding the forthcoming “RIPA” stop data (Racial and Identity Profiling Act, Assembly Bill 953) that will be required of Suisun City by the State on April 1, 2023. This bill will require the Suisun City Police Department to report the perceived race, ethnicity, gender, age, disability or LGBT status on individuals contacted by Suisun City police officers to the State of California.

The Public Safety & Emergency Management Citizen Advisory Committee would like to thank the Mayor and the members of the Suisun City, City Council for their trust in the committee to evaluate these areas of concern for the community. While the Committee did have some suggestions for the Police Department with regard to policy changes outlining processes, the Committee believes the Suisun City Police Department is operating with the community’s best interests in mind, interacting with the community in a respectful manner, intending to be representative of the community in its hiring practices, and overall working towards making Suisun City a more desirable place for people to live and visit. We, as Committee members, respectfully submit this report for review of the information we received and the consensus we came to during our discussion.

INFORMATION PROVIDED TO COMMITTEE IN JULY 2020

- **Review policy and procedures related to providing training on implicit bias.**

Policy 401.7 POST requires every 5 years. PC13519.4(i). POST training assigned in July, 2020.

Recently pursued on-line Implicit Bias training through our city on-line training vendor. Will assign training when LE Module is active. Training is below and is already being incorporated in our two-year training cycle:

Implicit Bias: Facts & Myths

With law enforcement professionals today under increasing amounts of scrutiny and many of their actions caught on camera, charges of bias have become more frequent. In these instances, many officers are depicted as having a racial bias or prejudice against various segments of the population, but often they don’t show the entirety of the situation. However, this does not mean that implicit bias doesn’t exist in law enforcement; it merely emphasizes that not all biases are illicit or racial. This course focuses on understanding the four types of bias and how preconceived opinions can have a negative impact on your job performance and public trust.

Numerous case studies, scientific research, statistics, and an array of videos of real-life situations are utilized to offer training scenarios that assist with identifying the inherent issues with explicit, implicit, illicit and racial biases and how they can be applied unconsciously to a potential suspect.

This course provides an overview of implicit bias and the differences between bias and prejudice. It aims to provide a better understanding of the four types of biases and how bias influences situations in law enforcement. It also explores the rise of implicit bias and how both confirmation and observational biases can affect job performance.

During the first week of July, our policy provider, Lexipol, introduced a *Duty to Intercede; Conceptual, Cultural and Legal Aspects* training through their law enforcement policy division. This training was roughly 90 minutes and covered a wide variety of topics to include fostering a culture where officers can recognize a situation in which they should intervene in an incident being inappropriately handled by a fellow officer and feel comfortable doing so.

- **Review policies in recruiting for diversity reflective of community.**

Policy 1000, CPD previously had an officer at local police academy in the position of Recruit Training Officer (RTO) who would provide information to us and recruit individuals. Officer was a diverse individual allowing for diverse population connection. Officer left the department to work at a higher paid agency in Solano County. We estimate hiring at least three officers from that academy through that RTO.

Current practice in hiring is very aggressive with policy 1000.3 placing diversity as an important quality. We are, however, constantly in a hiring mode – currently have 5 vacancies and have hired 8 officers in the year I have been here placing at least 12 candidates through the background process (4 women, 2 Asian, 1 Hispanic, 1 middle eastern).

Plan for a PAL program was introduced to develop our local youth and foster an interest in law enforcement. Currently on hold due to Parks and Rec. staffing capacity and Pandemic.

Cadet program for youth has produced one local and diverse individual who works as a CSO.

- **Review of “Broken Window” type policing policies.**

Committee to decide their definition of broken windows crimes, or accept the traditionally referred to offenses.

Key Takeaways: Broken Windows Theory

- The broken windows theory of criminology holds that visible signs of crime in densely-populated, lower-income urban areas will encourage additional criminal activity.
- Broken windows neighborhood policing tactics employ heightened enforcement of relatively minor “quality of life” crimes like loitering, public drinking, and graffiti.
- The theory has been criticized for encouraging discriminatory police practices, such as unequal enforcement based on racial profiling.

<https://www.thoughtco.com/broken-windows-theory-4685946#:~:text=Broken%20windows%20neighborhood%20policing%20tactics%20employ%20heightened%20enforcement,anti-social%20behavior%2C%20and%20civil%20unrest%20in%20densely%20>

- **Review of policies related to purchasing or using military weaponry, craft a policy for council review regarding annual notification of the purchase and inventory of military weaponry.**

Frist step is to define military weaponry.

The 1033/DRMO program allows for demilitarized equipment to be transferred to police agencies. This equipment includes anything from copiers, infra-red and heat signature cameras to vehicles such as Humvees and other up-armored type vehicles.

To obtain firearms from 1033/DRMO, an agency needs to submit a separate application for this tiered program. SCPD does participate in the general program but has not applied for the weaponry program (nor does it intend to). At this time, SCPD does not have any equipment in its inventory from this program.

- **Review community complaint policy and process for complaint review**

Policy 1012 – being revised to include outside investigations and use of software. IAPro and Blue Team tracking software that tracks all use-of-force, field-level discipline, complaints, vehicle accidents and pursuits. This technology helps us identify performance issues in “real-time.”

- **Review content of Annual Police Report to include diversity of police department, number of citizen complaints, breakout of crimes by self-reported race, and any additional statistics that will require transparency.**

Demographic data included in report revision and referred to in attachment. Data was collected via a visual study by HR. Data has not been saved by HR previously. Information shows race was picked incorrectly by visual survey only in at least one instance.

Breakout of crimes: does this mean victim race, suspect race, etc.

Define self-reported – SCPD does not ask what race a victim is unless the crime is a hate crime and the definition makes an assumption the information would come from the individual.

RIMS mask to report that information does not exist. Information would have to be extracted by reviewing the race of every individual and would take hours of staff time.

RIPA Racial and Identity Profiling Act (RIPA) - Assembly Bill (AB) 953

<https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/stop-data-reg-final-text-110717.pdf?>

What data do we need to collect?

1. ORI number
2. Date, time, and duration of the stop
3. Location of stop
4. Perceived race or ethnicity of person stopped
5. Perceived gender of person stopped
6. Person stopped perceived to be LGBT
7. Perceived age of person stopped
8. Person stopped has limited or no English fluency
9. Perceived or known disability of person stopped
10. Reason for stop
11. Stop made in response to a call for service
12. Actions taken by officer during stop
13. Results of stop
14. Officer's Identification (ID) Number
15. Officer's years of experience
16. Type of assignment of officer

*The bill requires an agency that employs one or more but less than 334 peace officers to issue its first annual report by April 1, 2023.

DEPARTMENT COMPLAINTS & USE OF FORCE 2019



Use of Force

5 reported uses of force out of almost 24,000 incidents. A .0002% use of force to contact ratio

Citizen Complaints

14 total written complaints (conduct, improper service, excessive force, dishonesty...) - Only 1 complaint sustained against a civilian employee.

Use of Force Definition: The application of physical techniques or tactics, chemical agents, or weapons to another person.

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. SCPD did not have any reportable incidents in 2019.

DEPARTMENT DEMOGRAPHICS 2019



SCPD STAFF

White - 62%
Hispanic - 21%
Pacific Islander - 7%
Asian - 7%
Black - 3%

SCPD SWORN STAFF

White - 47%
Hispanic - 26%
Pacific Islander - 11%
Asian - 11%
Black - 5%

*Data provided by HR made through a "visual survey" due to the absence of submitted data by personnel.

1602.13 Records as to racial or ethnic identity of employees

Employers may acquire the information necessary for completion of Section D of the EEO-1 either by visual surveys of the work force, or at their option, by the maintenance of post-employment records as to the identity of employees where the same is permitted by State law.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Suisun City Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

401.2 POLICY

The Suisun City Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

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Bias-Based Policing

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING OF STOPS

Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Suisun City Police Department is the primary agency, the Suisun City Police Department officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Digital Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
 - 1. Supervisors should document these periodic reviews.

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Bias-Based Policing

2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 ADMINISTRATION

Each year, the Operations Division Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Bureau.

- (a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

401.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Professional Standards Unit Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Dispatch Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Bureau Policy.

Supervisors should ensure that data stop reports are provided to the Dispatch Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Suisun City Police Department and that are promulgated and maintained by the Personnel Department.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Suisun City Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administration Division Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Administration Division Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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Recruitment and Selection

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

1000.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Suisun City Police Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

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Recruitment and Selection

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.5.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained for a minimum of two years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

1000.5.5 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Suisun City Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors

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- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Personnel Department should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship
- (c) At least 18 years of age
- (d) Fingerprinted for local, state and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test or obtained a two-year, four-year or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
 1. Reading and writing ability assessment (11 CCR 1951)
 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

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1000.7.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical evaluation (11 CCR 1960)

1000.8 PROBATIONARY PERIODS

The Administration Division Commander should coordinate with the Suisun City Personnel Department to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

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What Is the Broken Windows Theory?

By **Robert Longley**

Updated July 03, 2019

The broken windows theory states that visible signs of crime in urban areas lead to further crime. The theory is often associated with the 2000 case of [Illinois v. Wardlow](#), in which the [U.S. Supreme Court](#) confirmed that the police, based on the legal doctrine of [probable cause](#), have the authority to detain and physically search, or “stop-and-frisk,” people in crime-prone neighborhoods who appear to be behaving suspiciously.

Key Takeaways: Broken Windows Theory

The broken windows theory of criminology holds that visible signs of crime in densely-populated, lower-income urban areas will encourage additional criminal activity.

Broken windows neighborhood policing tactics employ heightened enforcement of relatively minor “quality of life” crimes like loitering, public drinking, and graffiti.

The theory has been criticized for encouraging discriminatory police practices, such as unequal enforcement based on racial profiling.

Broken Windows Theory Definition

In the field of criminology, the broken windows theory holds that lingering visible evidence of crime, anti-social behavior, and civil unrest in densely populated urban

areas suggests a lack of active local law enforcement and encourages people to commit further, even more serious crimes.

The theory was first suggested in 1982 by social scientist, George L. Kelling in his article, "Broken Windows: The police and neighborhood safety" published in *The Atlantic*. Kelling explained the theory as follows:

"Consider a building with a few broken windows. If the windows are not repaired, the tendency is for vandals to break a few more windows. Eventually, they may even break into the building, and if it's unoccupied, perhaps become squatters or light fires inside.

"Or consider a pavement. Some litter accumulates. Soon, more litter accumulates. Eventually, people even start leaving bags of refuse from take-out restaurants there or even break into cars."

Kelling based his theory on the results of an experiment conducted by Stanford psychologist [Philip Zimbardo](#) in 1969. In his experiment, Zimbardo parked an apparently disabled and abandoned car in a low-income area of the Bronx, New York City, and a similar car in an affluent Palo Alto, California neighborhood. Within 24 hours, everything of value had been stolen from the car in the Bronx. Within a few days, vandals had smashed the car's windows and ripped out the upholstery. At the same time, the car abandoned in Palo Alto remained untouched for over a week, until Zimbardo himself smashed it with a sledgehammer. Soon, other people Zimbardo described as mostly well dressed, "clean-cut" Caucasians joined in the vandalism. Zimbardo concluded that in high-crime areas like the Bronx, where such abandoned property is commonplace, vandalism and theft occur far faster as the community takes such acts for granted. However, similar crimes can occur in any community when the people's mutual regard for proper civil behavior is lowered by actions that suggest a general lack of concern.

Kelling concluded that by selectively targeting minor crimes like vandalism, public intoxication, and loitering, police can establish an atmosphere of civil order and lawfulness, thus helping to prevent more serious crimes.

Broken Windows Policing

In 1993, New York City Mayor Rudy Giuliani and police commissioner William Bratton cited Kelling and his broken windows theory as a basis for implementing a new "tough-

stance” policy aggressively addressing relatively minor crimes seen as negatively affecting the quality of life in the inner-city.

NYPD Racial Profiling/Stop and Frisk March

Stop and Frisk March - Tens of thousands of New Yorkers participated in a silent march to protest NYPD racial profiling, including the Stop and Frisk program which disproportionately targets young men of color as well as the spying on Muslims as was recently revealed in news reports. Sunday, June 17, 2012. Corbis via Getty Images / Getty Images

Bratton directed NYPD to step up enforcement of laws against crimes like public drinking, public urination, and graffiti. He also cracked down on so-called “squeegee men,” vagrants who aggressively demand payment at traffic stops for unsolicited car window washings. Reviving a Prohibition-era city ban on dancing in unlicensed establishments, police controversially shuttered many of the city’s night clubs with records of public disturbances.

While studies of New York’s crime statistics conducted between 2001 and 2017 suggested that enforcement policies based on the broken windows theory were

effective in reducing rates of both minor and serious crimes, other factors may have also contributed to the result. For example, New York's crime decrease may have simply been part of a nationwide trend that saw other major cities with different policing practices experience similar decreases over the period. In addition, New York City's 39% drop in the unemployment rate could have contributed to the reduction in crime.

In 2005, police in the Boston suburb of Lowell, Massachusetts, identified 34 "crime hot spots" fitting the broken windows theory profile. In 17 of the spots, police made more misdemeanor arrests, while other city authorities cleared trash, fixed streetlights, and enforced building codes. In the other 17 spots, no changes in routine procedures were made. While the areas given special attention saw a 20% reduction in police calls, a study of the experiment concluded that simply cleaning up the physical environment had been more effective than an increase in misdemeanor arrests.

Today, however, five major U.S. cities—New York, Chicago, Los Angeles, Boston, and Denver—all acknowledge employing at least some neighborhood policing tactics based on Kelling's broken windows theory. In all of these cities, police stress aggressive enforcement of minor misdemeanor laws.

Critics

Despite its popularity in major cities, police policy based on the broken windows theory is not without its critics, who question both its effectiveness and fairness of application.

 Demonstrations Over Recent Grand Jury Decisions In Police Shooting Deaths Continue

Demonstrators storm the Macy's on 34th Street protesting the Staten Island, New York grand jury's decision not to indict a police officer involved in the chokehold death of Eric Garner in July on December 5, 2014 in New York City. The grand jury declined to indict New York City Police Officer Daniel Pantaleo in Garner's death. Andrew Burton / Getty Images

In 2005, University of Chicago Law School professor Bernard Harcourt published a study finding no evidence that broken windows policing actually reduces crime. "We don't deny that the 'broken windows' idea seems compelling," wrote Harcourt. "The problem is that it doesn't seem to work as claimed in practice."

Specifically, Harcourt contended that crime data from New York City's 1990s application of broken windows policing had been misinterpreted. Though the NYPD had realized greatly reduced crime rates in the broken windows enforcement areas, the same areas had also been the areas worst affected by the crack-cocaine epidemic that caused citywide homicide rates to soar. "Everywhere crime skyrocketed as a result of crack, there were eventual declines once the crack epidemic ebbed," Harcourt note. "This is true for police precincts in New York and for cities across the country." In short, Harcourt contended that New York's declines in crime during the 1990s were both predictable and would have happened with or without broken windows policing.

Harcourt concluded that for most cities, the costs of broken windows policing outweigh the benefits. "In our opinion, focusing on minor misdemeanors is a diversion of valuable police funding and time from what really seems to help—targeted police patrols against violence, gang activity and gun crimes in the highest-crime 'hot spots.'"

Broken windows policing has also been criticized for its potential to encourage unequal, potentially discriminatory enforcement practices such as [racial profiling](#), too often with disastrous results.

Arising from objections to practices like "Stop-and-Frisk," critics point to the case of Eric Garner, an unarmed black man killed by a New York City police officer in 2014. After observing Garner standing on a street corner in a high-crime area of Staten Island, police suspected him of selling "loosies," untaxed cigarettes. When, according to the police report, Garner resisted arrest, an officer took him to the ground in a chock

hold. An hour later, Garner died in the hospital of what the coroner determined to be homicide resulting from, “Compression of neck, compression of chest and prone positioning during physical restraint by police.” After a grand jury failed to indict the officer involved, anti-police protests broke out in several cities.

Since then, and due to the deaths of other unarmed black men accused of minor crimes predominantly by white police officers, more sociologists and criminologists have questioned the effects of broken windows theory policing. Critics argue that it is racially discriminatory, as police statistically tend to view, and thus, target, non-whites as suspects in low-income, high-crime areas.

According to Paul Larkin, Senior Legal Research Fellow at the Heritage Foundation, established historic evidence shows that persons of color are more likely than whites to be detained, questioned, searched, and arrested by police. Larkin suggests that this happens more often in areas chosen for broken windows-based policing due to a combination of: the individual’s race, police officers being tempted to stop minority suspects because they statistically appear to commit more crimes, and the tacit approval of those practices by police officials.

Sources and Further Reference

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Personnel Complaints

1012.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Suisun City Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1012.2 POLICY

The Suisun City Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1012.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1012.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Watch Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Professional Standards Unit, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1012.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1012.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1012.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1012.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of his/her statement at the time it is filed with the Department (Penal Code § 832.7).

1012.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1012.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

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All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1012.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1012.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 1. The original complaint form will be directed to the Watch Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and the Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Personnel Department and the Watch Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

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- (f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1012.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Professional Standards Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Suisun City Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related

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investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
 - (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
 - (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
 - (j) All members shall provide complete and truthful responses to questions posed during interviews.
 - (k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

1012.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Summary - Provide a brief summary of the complaint, beginning with a short, chronological introduction that leads the reader to the first and subsequent allegations.

Investigation - This section contains summaries of the interviews of all involved parties.

Investigator's Notes - This section contains information referenced in the investigation.

Addenda - A list of all referenced documents in the report.

1012.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

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Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1012.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

1012.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1012.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

1012.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

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- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

1012.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1012.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Suisun City Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1012.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

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1012.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1012.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

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1012.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

1012.10.4 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

1012.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1012.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1012.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

Suisun City Police Department

Suisun City PD Policy Manual

Personnel Complaints

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

1012.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

1012.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

701 CIVIC CENTER BLVD.
SUISUN CITY, CA 94585



AARON ROTH
CHIEF OF POLICE

SUISUN CITY POLICE DEPARTMENT

CITIZEN'S COMPLAINT FORM

Control Number: _____

As a citizen, you have the right to initiate a complaint if you feel that you have been treated improperly by a police officer. This department encourages legitimate complaints and will thoroughly investigate all complaints received. You will be advised of the outcome of the investigation in writing by the Chief of Police. In order to properly investigate your complaint, we ask you to put it in writing. This form may be used for that purpose. Feel free to attach additional pages if necessary.

My name is: _____

My address is: _____

My telephone number is: (Home) _____ (Work) _____ (Cell) _____

This incident occurred on (Date and Time): _____ (Circle) AM/PM _____

It occurred at: _____

The officer(s) involved was/were (include badge numbers if known): _____

My complaint is: _____

You have the right to make a complaint against a police officer for any improper police conduct. California law requires this agency to have a procedure to investigate citizens' complaints. You have a right to a written description of this procedure. This agency may find after investigation that there is not enough evidence to warrant action on your complaint; even if that is the case, you have the right to make the complaint and have it investigated if you believe an officer behaved improperly. Citizen complaints and any reports or findings relating to complaints must be retained by this agency for at least five years. It is against the law to make a complaint that you know to be false. If you make a complaint against an officer knowing that it is false, you can be prosecuted on a misdemeanor charge.

Does this complaint involve racial or identity profiling?

Circle one: Yes or No

If yes, please check all the boxes that apply:

- Race or Ethnicity
- Nationality
- Gender
- Age
- Religion
- Gender Identity or Expression
- Sexual Orientation
- Mental Disability
- Physical Disability

I have read and understood the above statement

Signature of Complainant

Signature of parent or guardian if the complainant is a minor

Date

Original: Chief of Police

Yellow: Internal Affairs Investigator

Pink: Complainant

DEPARTMENT COMPLAINTS & USE OF FORCE 2019



Use of Force

5 reported uses of force out of almost 24,000 incidents. A .0002% use of force to contact ratio

Citizen Complaints

14 total written complaints (conduct, improper service, excessive force, dishonesty...) - Only 1 complaint sustained against a civilian employee.

Use of Force Definition: The application of physical techniques or tactics, chemical agents, or weapons to another person.

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. SCPD did not have any reportable incidents in 2019.

DEPARTMENT DEMOGRAPHICS 2019



SCPD STAFF

White - 62%
Hispanic - 21%
Pacific Islander - 7%
Asian - 7%
Black - 3%

SCPD SWORN STAFF

White - 47%
Hispanic - 26%
Pacific Islander - 11%
Asian - 11%
Black - 5%

*Data provided by HR made through a "visual survey" due to the absence of submitted data by personnel.

1602.13 Records as to racial or ethnic identity of employees

Employers may acquire the information necessary for completion of Section D of the EEO-1 either by visual surveys of the work force, or at their option, by the maintenance of post-employment records as to the identity of employees where the same is permitted by State law.

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AGENDA TRANSMITTAL

MEETING DATE: July 7, 2020

CITY AGENDA ITEM: Council Adoption of Resolution No. 2020-____: Updating Annual Work Plan of the Public Safety & Emergency Management Citizen Advisory Committee

FISCAL IMPACT: No known fiscal impact.

STRATEGIC PLAN IMPACT: Ensure Public Safety. Provide Good Governance.

BACKGROUND: The City Council on February 5, 2019 endorsed the creation of Citizen’s Advisory Committees. As provided for in the Background section of the February 5, 2019 Staff Report, the creation of the Committees was one more step towards establishing an organizational culture that champions civic engagement in Suisun City by the current City Council.

On February 19, 2019, the City Council established the Public Safety & Emergency Management Citizen Advisory Committee. This Committee centers on reviewing critical public safety functions including but not limited to, scheduling and participation in disaster preparedness training through the Federal Emergency Management Agency (FEMA) Incident Command System (ISC), reverse 911 testing and evacuation modeling, involvement in “Table Top” exercises, creation, training and maintenance of Community Emergency Response Teams (CERT), evaluation of Essential Services Facilities as defined by State and Federal Regulations, support for and creation of Neighborhood Watch Captains and periodic reviews of public safety response levels of service (LOS). All annual Fire and Police Annual Reports will be made to the Advisory Committee for Public Safety & Emergency Management prior to the City Council.

As noted on the February 19, 2019 staff report, on occasion, the City Council or Commission may direct the Committee to review a particular item and may request a report with a specific date or time certain.

STAFF REPORT: On June 13, 2020, The Mayor called a Special Meeting to address the letter from the African American Organizations of Solano County and request from residents to review police policies related to Campaign Zero’s general campaign and their specific campaign of #8cantwait. In addition, based on the national conversation and local protest, renew the social contract between Suisun City Police Department and the Community of Suisun City.

At that meeting, the Council drew consensus on a number of items which will come to the Council in various forms over the next 3 months in order to publicly notice actions taken by September 30, 2020.

The following items specifically relate to actions of review by the Public Safety & Emergency Management Citizen Advisory Committee with a report to the Council by September 15, 2020.

- Review policy and procedures related providing training on implicit bias

PREPARED/REVIEWED/APPROVED BY:

Greg Folsom, City Manager

- Review policies on recruiting for diversity reflective of our community
- Review of “broken window” type policing policies
- Review policies related to purchasing or using military weaponry; craft a policy for Council review regarding annual notification of the purchase and inventory of military weaponry
- Review community complaint policy and process for complaint review
- Review content of Annual Police Report to include diversity of police department; number of citizen complaints; breakout of crimes by self-reported race; and any additional statistics that will require transparency.

RECOMMENDATION: Council Adoption of Resolution No. 2020-__: Updating Annual Work Plan of the Public Safety & Emergency Management Citizen Advisory Committee

ATTACHMENTS:

1. Resolution No. 2020 - __: Updating Annual Work Plan of the Public Safety & Emergency Management Citizen Advisory Committee

RESOLUTION NO. 2020-88

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
UPDATING ANNUAL WORK PLAN OF THE PUBLIC SAFETY & EMERGENCY
MANAGEMENT CITIZEN ADVISORY COMMITTEE**

WHEREAS, the on February 19, 2019, the City Council established the Public Safety & Emergency Management Citizen Advisory Committee; and

WHEREAS, the Committee was established to review critical public safety functions and provide reports and findings to the Council; and

WHEREAS, On June 13, 2020, a Special Meeting of the City Council was held to address the letter from the African American Organizations of Solano County; and

WHEREAS, at that meeting, the Council drew consensus on a number of items to address over the next 3 months and to publicly notice actions taken by September 30, 2020.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves an Updated Annual Work Plan of the Public Safety & Emergency Management Citizen Advisory Committee as follows:

- Review policy and procedures related providing training on implicit bias
- Review policies on recruiting for diversity reflective of our community
- Review of “broken window” type policing policies
- Review policies related to purchasing or using military weaponry; craft a policy for Council review regarding annual notification of the purchase and inventory of military weaponry
- Review community complaint policy and process for complaint review
- Review content of Annual Police Report to include diversity of police department; number of citizen complaints; breakout of crimes by self-reported race; and any additional statistics that will require transparency.

FURTHER, BE IT RESOLVED that the Public Safety & Emergency Management Citizen Advisory Committee is directed to provide a report to the City Council by September 1, 2020.

PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Suisun City held on Tuesday the 7th day of July 2020 by the following vote:

AYES:	Councilmembers:	<u>Adams, Day, Segala, Williams, Mayor Wilson</u>
NOES:	Councilmembers:	<u>None</u>
ABSENT:	Councilmembers:	<u>None</u>
ABSTAIN:	Councilmembers:	<u>None</u>

WITNESS my hand and the seal of said City this 7th day of July 2020.



Donna Pock, CMC
Deputy City Clerk

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Recommendation	Final Ranking
Monitor City finances as a result of the recent increase in funding to the Department to make sure this funding level is sustainable long term.	1
Evaluate during the budget process the possibility of increasing the overall funding for the Fire Department until it is recovering the California average of 19% to 24% of General Fund total revenue.	2
<p>During the budget process, set aside the appropriate amount of approximately \$250K annually to fund capital outlay items such as PPE, SCBA, fire apparatus, and command vehicles.</p> <p><i>*When cities are meeting the California average of funding for fire departments at 19% to 24% of General Fund, this normally includes the required funding for capital outlay needs, except for replacing or improving fire facilities .</i></p>	3
Evaluate the option to conduct annual wellness physical for all fire personnel. These have been shown to reduce overall costs by reducing backfill and Workers Compensation costs associated with claims.	4
Evaluate the condition, cleaning, and procurement of proper PPE for both paid and volunteer firefighters. Make sure PPE is being replaced every 10 years based on manufacturer's recommendations. If possible, all firefighters should have a two sets of all PPE. If not complete sets, at minimum each firefighter should have two flash hoods and gloves.	5
Evaluate a process for developing a comprehensive occupancy risk assessment for all occupancies located within the jurisdiction or at least the target hazards.	6
Evaluate the option of Medical Priority Dispatch System either by the County Ambulance Dispatch or Solano County Dispatch.	7
Annually evaluate the replacement cost for all capital equipment to make sure current replacement costs are accurate. In addition, make sure enough fund are being set aside for future replacement needs.	8
Evaluate the option of adding additional Reserve Firefighters and using them as the third person to staff a minimum one engine with three personnel daily.	9
Evaluate options to get a minimum of 10 trained fire personnel to a structure fire and, if possible, 16 total. Based on past response data, this will require mutual aid from surrounding departments.	10
Evaluate the options to locate firefighter PPE out of the fire station. Options should include plans that do not restrict employees from wearing or storing PPE inside fire facilities and evaluate the options to add a regular washer and dryer for cleaning uniforms and linen.	11
Replace SCBA every 15 years or when they are two cycles out of compliance with NFPA recommendations.	12

Recommendation	Final Ranking
Find a more appropriate location for the required City Emergency Operations Center (EOC), which will meet all of the State's essential services requirements.	13
Identify management processes for and prioritize capital improvement planning for maintaining, refurbishing, and replacing fixed facilities.	14
Review the 2012 ISO report for areas possible improvement. These include generator service records, emergency power supply, hose testing records, making sure direct fire station phone numbers are not listed, monitoring of communication lines, and company training records.	15
Evaluate the option of establishing a CAD to CAD connection between Suisun Police Dispatch and the County Ambulance Dispatch.	16
Evaluate the options for increasing options beyond the City's EAP program for improved behavioral health of all first responders.	17
Evaluate the cost benefit to remodel or replace the existing fire station to be compliant with current building and fire codes.	18
Evaluate the options for increasing training opportunities locally to reduce travel costs and the potential for more volunteers to attend.	19
Evaluate the options for increasing training funding with CalJAC and Instructional Service Agreements with a local community college.	20
Evaluate the required funding, personnel, equipment and potential revenue for the county public private paramedic program.	21
Evaluate the option of changing terms from Volunteer Firefighter to Reserve Firefighter for personnel who live outside the 5-minute response area and who are not able to respond immediately for an emergency.	22
Evaluate the use of a 960 retired annuitant to conduct more timely inspection cycle for inspectable occupancies.	23
Relocate the current fire station to Highway 12 using scenario 3.	24
Consider the adoption, by either policy or ordinance, defining the required inspection cycles for inspectable occupancies.	25
Evaluate the options for a locating fire training props at the existing City Public Works site.	26
Establish formal mutual aid and/or auto-aid agreements with the Fairfield-Fire, Travis Air Force Base Fire, and Solano County Fire Departments.	