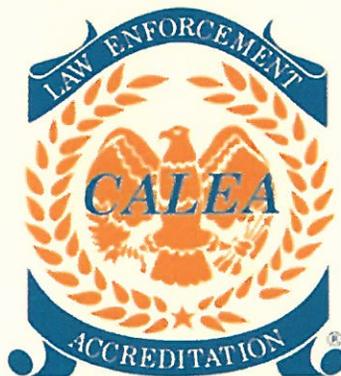




**Assessment Report**  
**Hayward (CA) Police Department**  
**2013**



**Hayward, California Police Division  
Assessment Summary  
December 8-11, 2013**

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**A. Agency name, CEO and AM**

Hayward, California Police Department  
300 West Winton Avenue  
Hayward, CA 94544

Diane Urban, Chief of Police  
Lauren Sugayan, Accreditation Manager

**B. Dates of the On-Site Assessment:**

December 8-11, 2013

**C. Assessment Team:**

1. Team Leader: Rob Sofie  
Chief of Police, retired  
Douglas County Sheriffs Office  
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Omaha, NE 68116-2025  
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2. Team Member: Melvin Lange  
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**D. CALEA Program Manager and Type of On-site:**

Mark Mosier, Program Manager; Karen Shepard, Assessment Manager

First reaccreditation, C size (304 personnel; authorized 193 sworn and 126 non-sworn)  
5<sup>th</sup> edition Law Enforcement Advanced Accreditation

The agency utilized the CACE-L version 5.17 software program.

**E. Community and Agency Profile:**

**1. Community profile.**

Situated 25 miles southeast of San Francisco, 14 miles south of Oakland, 26 miles north of San Jose, Hayward was incorporated into a town in 1876 when their town charter was accepted by the State. Today, Hayward has expanded to 62.55 square

miles, and is known as the 'Heart of the Bay' because of its central location in Alameda County and its accepting and caring environment. Hayward is a highly diverse multi-cultural hub of residents, business owners, tourists, and commuters with a population of approximately 147,113. A significant portion of Hayward residents are foreign-born and speak a language other than English.

A Mayor and six Council members represent Hayward residents, adopt public policy, and approve resource allocations consistent with community priorities. The Police Chief, City Attorney, and City Clerk are appointed by the City Manager. A potential shake-up to the City's political structure is probable, with elections for two Council seats and Mayor scheduled in 2014, and the current Mayor has announced that he will not run for re-election. At this time, no candidates have announced a bid for candidacy for any of these positions.

## **2. Agency profile.**

Fifty years after the City of Hayward was incorporated, a Police Department under the direction of a Chief of Police was established. Prior to that, peace officer duties were conducted by a town marshal and his deputies, in association with a Constable and the Alameda County Sheriff's Office. Today, the Hayward Police Department (HPD) is structured with four Divisions, including the Office of the Chief, Field Operations, Investigations, and Support Services. The Office of the Chief is headed by the Chief of Police, and includes Internal Affairs, Crime Analysis, Accreditation, and Personnel/ Training. Field Operations is headed by a Captain, and consists of Patrol and District Operations, Crime Prevention, Traffic, Volunteer/Reserve/Explorer Programs, a Downtown Officer, K9, and Special Response Unit (SRU). The Investigations Division is commanded by a Captain, and consists of Criminal Investigations, Narcotics, Special Duty Unit, County Narcotics Task Force, Public Order Crimes, Vice/Compliance, Youth and Family Services, School Resource Officer, and Press Information Officer. Support Services is under the direction of a non-sworn Manager, and includes Communications, Jail, Crime Scene Unit, Property/Evidence, Records, and Animal Services.

In the early 1980s, former Chief Charles Plummer worked with other chiefs from around the country to participate in accreditation, at its infancy stage. Hayward PD became the first department west of the Mississippi and the ninth department nationally to achieve CALEA accreditation. Since their more recent CALEA partnership, the HPD has added additional special assignments, bi-weekly training, the SRU and a K-9 Unit. The manner in which the HPD delivers services is anchored in their deep rooted belief in community policing. As a pioneer of community policing models in the Bay Area, the HPD has evolved its model to the present day District Command. Members of District Command work closely with residential neighborhoods and the business community to solve complex social problems facing the city. Complimenting the efforts of District Command is the agency sworn and professional members, who are committed to excellence and accountability in their delivery of police services to the community.

## **3. Demographics.**

The demographic composition of the service area and agency are represented in the following table:

	Service Population		Available Workforce		Current Sworn Officers		Current Female Sworn Officers		Prior Assessment Sworn Officers		Prior Assessment Female Sworn Officers	
	#	%	#	%	#	%	#	%	#	%	#	%
Caucasian	27,107	18.8	146,151	26.3	103	59.2	10	5.7	121	61	13	6.5
African-American	16,293	11.3	87,846	10.7	14	8.1	2	1.1	17	8	4	2
Hispanic	58,684	40.7	316,401	36.1	34	19.5	5	2.9	42	21	5	2.1
Other	42,102	29.2	227,000	26.9	23	13.2	3	1.7	20	10	2	1
Total	144,186	100	777,400	100	174	100	20	11.4	200	100	24	11.6

The 2010 United States Census reports an 81% non-Caucasian population, and the City of Hayward reports a nearly 74% non-Caucasian service community available workforce. When compared with their service community available workforce, HPD sworn ranks depict Caucasians at 33% over-represented; African-Americans three percent under-represented; Hispanic nearly 15% under-represented; and 'Other' is nearly 14% under-represented. The agency reports an 11.4% female sworn composition, which represents an under-representation of two to three percent.

#### 4. Future issues.

Emerging impacts of California Assembly Bill 109 (Public Safety Realignment Act) is creating significant challenges for local law enforcement. Since 2011, 641 prisoners have been released and assigned to Alameda County under the new Post Release Community Supervision program. Consequently, 149 have re-offended (23%) and are now in local custody in Alameda County jails rather than state prisons as they would have been prior to the implementation of AB 109. Earlier this year, a three-judge court temporarily delayed the continued release of additional prisoners from California prisons back into the community; however, this delay is only valid until January 2014. Presently, involved stakeholders have reconvened to strategize continued compliance with the Act, which holds the California Department of Corrections accountable to reduce the overall prison population down to 137.5 % of its designed capacity.

The HPD continues to confront staffing shortages, which has reached an all time low. In addition to 19 vacancies, 29 employees are on some form of modified duty, Worker's Compensation, Family Medical Leave, and administrative leave. In total, the agency is down 45 sworn officers that would typically be assigned to patrol or investigative functions; and 93% of Lieutenants will reach retirement age within the next five years. The result is major implications to employee morale, and the community impacted as providing the public their basic emergency needs becomes a challenge. The ability to hire qualified applicants to fill the record high number of vacancies has also proven challenging. The agency reports they are struggling to recruit, hire, and staff the agency with quality employees at the rate necessary to keep up with retirement turnover and injuries. The agency reports fierce competition with neighboring law enforcement agencies to attract police officer recruits. The HPD looks to improve its recruitment strategies with the recent hire of a Personnel and Training Administrator. The City Council adopted the concern as one of the organization's top Council

Priorities. The agency is rolling out an aggressive plan to mitigate this threat, recognizing that succession planning is critical in moving forward to plan and prepare for these retirements.

#### **5. CEO biography.**

Chief of Police Diane Urban began her law enforcement career in 1986 with the San Jose Police Department, serving as Officer, Sergeant, Lieutenant, Captain, Deputy Chief, and Assistant Chief. In August of 2011, Diane was selected as the 13th Chief of the Hayward Police Department and the first woman to lead the agency. Diane obtained her Bachelor of Science from Cal State Hayward and her Masters degree in Criminal Justice from Boston University where she graduated summa cum laude. Chief Urban is a graduate of the Police Executive Research Forum Senior Management Institute for Police and the West Point Leadership Program hosted by the Los Angeles Police Department where she is a member of the teaching staff. Diane was recently awarded the inaugural 'Defender of Liberty' award from Chabot Junior College and recognized by State Senator Ellen Corbett as 2013 Woman of the Year Trailblazer.

#### **F. Public Information Activities:**

Public notice and input are cornerstones of democracy and CALEA accreditation. This section reports on the community's opportunity to comment on their law enforcement agency and to bring matters to the attention of the Commission that otherwise may be overlooked.

##### **a. Public Information Session**

A public information session was conducted on Monday, December 9<sup>th</sup>, 2013, at the Hayward City Council Chambers at 7:00 pm. The session was attended by 27 people, including 12 HPD members. Eight attendees addressed the assessment team, including a City Council member, an Alameda County Sheriff's Office Captain, local shopping mall Manager, and five residents, including "Citizen Sam", a local activist. All speakers spoke very positively of Chief Urban and the HPD, recommending their reaccreditation. There were no comments or suggestions that the candidate agency was not suitable for consideration for reaccreditation.

##### **b. Telephone Contacts**

A call-in session was conducted on Monday, December 9<sup>th</sup>, from 1:00 to 3:00 pm. The assessment team received seven calls, including from a City Council member, two members of the neighboring Alameda County Sheriff's Office, an Assistant District Attorney, and the California Police Accreditation Coalition (CALPAC) President. Each of these callers echoed their praise for the agency and their personnel, citing outstanding working relationships, and fully supporting the importance of their accreditation efforts. Calls were also received from two resident/citizens, reporting having interactions with HPD officers and dispatchers. One resident expressed he would like to see more officers living within Hayward, and the other resident expressed minor dissatisfaction on the agency response time for her non emergency call, but acknowledging the HPD was occupied on a simultaneous emergency barricaded/hostage call elsewhere.

c. Correspondence

One item of correspondence was received prior to the assessment. No additional items of correspondence were received during or after the on-site assessment. The letter was from the neighboring Oakland Housing Authority Police Department, expressing support for the HPD reaccreditation effort.

d. Media Interest

There was no media interest expressed before, during, or after this assessment.

e. Public Information Material

Public Information Notices were posted at City Hall, Police Department, Fire Stations, and Libraries. Electronic copies were distributed via the City website, agency Nixle page, email groups, a local mall electronic message board, and local access Channel 15 KHRT. Field Operations and District Commanders were issued copies and encouraged to distribute to any interested citizen. Employees were provided copies of on-site agendas. Email and mail messages were sent to community leaders, encouraging their input during the assessment as well as an overview of the accreditation process. Copies of the Notice were distributed to the CALPAC, and letters were sent to various area and statewide law enforcement agencies, including the California Peace Officers Association, California Police Chiefs Association, and the California Commission on Peace Officer Standards and Training (POST).

f. Community Outreach Contacts

During the on-site, the assessment team interacted with over 30 members of the agency, local government, and community. Agency contacts included attendance at patrol roll-call, patrol ride-alongs, and observation of several functions, including Dispatch, Records, Crime Analysis, Investigations, Traffic, Evidence, and command staff and supervisory meetings. Assessors also requested to meet with labor representatives from the Hayward Police Officers Association (HPOA) and the Service Employees International Union (SEIU).

Non-employee/external outreach contacts included interviews with representatives from local faith, the National Association for the Advancement of Colored People (NAACP), the Day Labor Center, and the Hayward Mayor and City Manager.

Calvary Baptist Pastor Chuck Horner, chair of the local evangelical group, represented the Hayward faith based community. Horner is also a vice-president of an HPD Neighborhood Alert group, a 'graffiti-buster', and reports regular interaction with a third to half of the HPD officers. Pastor Horner reports a strong working relationship with the HPD Youth and Family Services Bureau, assisting in creating opportunities for youth diversion community service. Horner stated that the HPD will contact him to help get the word out on police/community concerns, and that their programs and extensive community outreach efforts "make me feel like we make a difference in our community."

Local NAACP Chapter President Freddy Davis is quick to credit her long standing friendship with past Police Chief Charlie Plummer for establishing trust with local law enforcement and ensuring a culture of community policing in the HPD. Davis stressed the importance of having a diverse demographic officer composition, but not at the sake of sacrificing hiring qualified officers. Davis has met with Chief Urban and related she feels there is opportunity to enhance diversity again here, and believes that Chief Urban sees and understands what the community wants. She further praised Lieutenant Slaughter from the south district office, describing her as "engaged with the community." Davis reports she has participated in officer ridealongs as well as participating in HPD promotional processes. She stated that "Chief Urban has brought a change here for the good." Davis expressed concerns that four days and only two assessors isn't sufficient to thoroughly review all that needs to be reviewed and observed in CALEA accreditation candidate agencies.

The Executive Director of the non-profit Hayward Day Labor Center, Gabriel Hernandez, shared how the HPD has a district office near the Center, which coordinates work for 400 primarily minority day labor workers. Center and member activities include public area cleanup, provision of preventive health services, soccer league and community garden management, graffiti removal, and the ability to provide instant personnel resources should a natural critical incident occur. Collaborative efforts with area HPD staff has resulted in overcoming cultural obstacles through building trust as they work to integrate their population into productive members of the Hayward communities. Hernandez participates in HPD promotional processes and local leadership summits. Hernandez was asked by the Bay Area Rapid Transit (BART) to expand their model on a regional basis. Hernandez felt that because of their strong collaborative partnerships with the HPD, they have been able to begin to establish a similar relationship with BART, and report this has allowed them to be headed in the right direction.

Fran David has been Hayward City Manager for seven years, and hired Chief Urban. David feels that accreditation doesn't make a bad agency good, but ensured that continuing CALEA accreditation was essential in her new chief hiring process in 2011. She elaborated that from her City Manager perspective, accreditation forces departments to look at and stay up to date with best practices, that it gives credibility to the community, and that she, the Mayor, and City Council fully support CALEA accreditation. David feels the HPD "has shown an amazing ability to pull themselves out of a tough situation" and that "this department carries pride from the heart." She praised Chief Urban for doing an outstanding job, particularly in raising up and integrating a professional civilian staff, and noted that "the HPD has awakened, and is now more part of the city rather than standoffish."

Mayor Mike Sweeney related how the HPD had past troubles, that former Chief Ron Ace did a phenomenal job at improving and building a foundation. Mayor Sweeney further stated that "Chief Urban is doing a good job on building on that foundation", and he has seen huge improvement. He states that he "sees accreditation as huge", that it provides credibility when the HPD is faced with issues, and that the community and City Council all take pride in that.

## **G. Essential Services**

### **Law Enforcement Role, Responsibilities, and Relationships and Organization, Management, and Administration. (Chapters 1-17)**

HPD legally mandated authority and responsibilities are derived from the State of California Penal Code Peace Officers Powers. Legal authority for carry and use of weapons in the performance of official duties is also provided for in the State of California Penal Code. The legal authority and responsibility for Chief of Police Urban is derived from California Government Code and City of Hayward Charter. Chief Urban is an appointment by and serves at the pleasure of the Hayward City Manager. Her authority and responsibility for the fiscal management is derived from a combination of Penal Code, City Charter, and a letter specifically designating authority and responsibility from the City Manager. The HPD works cooperatively with several neighboring or concurrent jurisdiction agencies, including the Alameda County Sheriff's Office, California Highway Patrol, and Bay Area Rapid Transit (BART). The HPD provides Campus Security Coordinator Services (Police Sergeant) to the Chabot-Las Positas Community College District and six School Resource Officers (SRO's) to the Hayward Unified School District.

The HPD Strategic Plan identifies the agencies four Strategic Priorities: (1)Reduce Crime/Fear of Crime; (2)Align Organizational Structure to Meet Service Demands; (3)Improve Responsiveness to Community and Employee Needs; and (4)Promote Professionalism Leadership and Organizational Excellence. The HPD conducted a department-wide Workload Assessment and the results sparked Chief Urban's interest to seek a professional outside examination of the organization's workload. The Police Department's goal is to more accurately identify modern demands and adjust their personnel structure based on those demands. An external staffing study was recently completed on the Communications Center, resulting in three recommendations to improve performance. The least of the recommendations provides for the immediate addition of 11 communications operators and one supervisor. The expected result from this addition is to enhance service to the community, fire and police personnel.

The agency transitioned to a non-sworn Accreditation Manager model in early 2013, bringing in a talented and skilled non-sworn member from outside the agency for a remarkably near seamless program. Primary responsibility for the agency Planning and Research function is assigned to an Administrative Analyst, a direct report to Chief Urban. Significant Research projects of note this review period include revision of a trailer floor plan, a web-based community information system, and a line-up room improvement proposal. The mission of the Crime Analysis Unit (CAU) is to provide timely and accurate, tactical, strategic, administrative and operational intelligence analysis of data relating to crime in support of the agency's goals and community oriented policing efforts. The CAU is responsible for determining and monitoring criminal activity and communicating the information to Command Staff, Patrol, and Investigations for the suppression of criminal activities, aiding the investigative process and increasing apprehension of offenders. One Crime Analyst processes 40 monthly requests from Command, Patrol, Investigations, and City Hall; produces six monthly publications to the HPD Intranet; creates two Directed Patrol Maps and Reports monthly for both North and South Hayward; and conducts two officer line-up presentations/trainings per year.

The HPD has numerous specialized and rotating assignment positions interspersed throughout the agency, both sworn and non-sworn, and utilizes an excellent notice of vacancy and thoroughly documented formal selection process. The California Penal Code makes provision for a Reserve Police Officer Unit, to supplement and assist regular sworn officers in their duties. The Reserve Unit is comprised of a Commander, Captain, three Lieutenants, six Sergeants, and ranged from 12-17 Reserve Officers this review period. The City is a member of Exclusive Risk Management of California (ERMAC), a joint powers authority through which insurance and liability coverage is provided for members, including Reserve Officers. The HPD utilizes volunteers to perform a wide variety of departmental and community service assignments to support the day-to-day operations of the agency. HPD Auxiliaries are not sworn officers or employees, with no arrest powers, nor do they carry weapons. Current volunteers include Explorers and volunteers who perform administrative, crime analysis or crime/gang prevention duties.

### **Bias Based Profiling**

California Penal Code provides that an officer shall not engage in racial profiling. HPD directives broaden this to expressly prohibit bias based profiling in traffic contacts, field contacts, and in asset seizure and forfeiture efforts. All sworn members are scheduled to attend Peace Officers Standards and Training (POST) approved training on the subject of racial or bias-based profiling, including legal aspects. Pending participation in the aforementioned POST training, all agency members are encouraged to familiarize themselves with and consider racial and cultural differences among community members. Sworn members are required to complete an approved refresher course annually or sooner if deemed necessary in order to keep current with changing racial/bias-based and cultural trends and legal aspects. Discrimination is specifically listed in the agency Code of Conduct, and the agency bias-based profiling directive charges that supervisors will monitor individuals for any behavior that may conflict with the purpose of the directive/policy, and take immediate corrective action if bias-based profiling occurs.

Traffic Warnings and Citations - 2011

Race/Sex	Warnings	Citations	Total
Caucasian/Male	1408	1050	2458
Caucasian/Female	551	562	1113
African-American/Male	1872	942	2814
African-American/Female	584	612	1196
Hispanic/Male	2713	2275	4988
Hispanic/Female	641	843	1484
Asian/Male	266	398	664
Asian/Female	124	210	334
Other/Male	887	840	1737
Other/Female	194	321	515
TOTAL	9240	8063	17303

Traffic Warnings and Citations - 2012

Race/Sex	Warnings	Citations	Total
Caucasian/Male	562	207	769
Caucasian/Female	196	95	291
African-American/Male	771	199	970
African-American/Female	237	81	318
Hispanic/Male	1187	495	1682
Hispanic/Female	274	183	457
Asian/Male	134	99	233
Asian/Female	64	48	112
Other/Male	260	124	384
Other/Female	75	47	122
TOTAL	3760	1578	5338

Traffic Warnings and Citations – 2013\*

Race/Sex	Warnings	Citations	Total
Caucasian/Male	484	237	721
Caucasian/Female	176	117	293
African-American/Male	607	192	799
African-American/Female	174	98	272
Hispanic/Male	950	533	1483
Hispanic/Female	199	163	362
Asian/Male	117	103	220
Asian/Female	47	48	95
Other/Male	235	119	354
Other/Female	49	54	103
TOTAL	3038	1664	4702

\*Annual Projected, based on actual January-September 2013 data

The significant disparity in enforcement data in 2012-2013 as compared to 2011 is attributed to migrating over to New World, a new Records Management System (RMS). The agency believed that officers would no longer have to manually track traffic data statistics only to later learn the new system had limitations that prevented this from occurring. Supervisors no longer possessed ability to track officer enforcement activity, and staffing cuts necessitated reallocation of traffic personnel to Patrol to fill the void. The 2011 data table was crafted manually by the Crime Analyst, a time consuming and cumbersome process. With the implementation of New World, a 'super user' team was able to subsequently design a system to meet agency needs. The 2012 and 2013 chart represents the improvement in data collection since having an opportunity to be 'hands on' in the design process of the new software system. The New World system now requires officers to identify the race of the individual at the conclusion of each field contact. With minor software glitches that continue to occur, the 'super user' team in collaboration with the New World professional team will continue to work closely to iron out issues related to data collection. Going into 2014, the system has been tweaked to equip supervisors with the ability to monitor officer enforcement activities.

The agency is quick to point out that traffic-related issues within the City of Hayward are regularly debated among the Police Department, community members and City Council. Known as 'the heart of the bay', Hayward serves as a major traffic artery for hundreds of

thousands of Bay Area commuters. Major thoroughfares situated in the center of town, lead to four major Bay Area freeways and highways. This social identification of the city means that the Police Department places a heavy emphasis on data gathering and analysis of traffic data. As is illustrated in the City of Hayward Demographics, the majority of traffic stops are conducted on Hispanic individuals, which also resulted in the highest number of citations, warnings and arrests over the last three years. Also, in every demographic category, male drivers are more frequently stopped than female drivers by a large margin. Additionally, the New World RMS improved the collection of data in the areas otherwise labeled as 'Other'; this allowed for a closer examination into the traffic stop demographics. Dissecting this data is particularly significant given that the City of Hayward residents and commuters cover a growing pool of ethnic origins. The agency self reports that the data reveals a clear mandate for the department to raise the level of cultural awareness through policy, training and whatever other means of action as it relates to this subject.

#### Bias Based Profiling Complaints

Complaints from:	2011	2012	2013*
Traffic contacts	0	4	0
Field contacts	1	1	1
Asset Forfeiture	0	0	0

\*Annual Projected, based on actual January-September 2013 data

When considering the volume of traffic and field contacts, as well as the agency service population demographics, the HPD experiences a seemingly proportionate amount of biased based policing complaints, receiving seven in the last four years. Two of the four 2012 traffic contact complaints actually occurred in 2010, and are from a single complainant who delayed reporting their complaint until 2012. The remaining two were about the same officer, an 'active' traffic enforcement officer, and the complainants were from different gender and ethnicity classifications, and nature of complaint. The agency attributes this to their on-going professional training in the area of racial profiling and biased based policing. The majority of Hayward's community is identified as ethnic minorities, which necessarily exposes employees to new as well as existing cultural differences. The agency plans to send officers to bias-based profiling 'train-the-trainer' sessions, with the goal to develop and conduct their own comprehensive in-house training for all employees. The agency stressed their belief that having subject-matter experts will provide managers 'on hand' resources to confront profiling issues that may arise, as well as conducting thorough analyses of each event and grouping of events.

#### Use of Force

The California Penal Code provides that any peace officer may use reasonable force to "effect an arrest, to prevent escape or to overcome resistance." The HPD use-of-force (UOF) policy mandates that officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. It further states that officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Officers may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury. Agency policy permits use of deadly force to stop a fleeing subject when

the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to another person if the subject is not immediately apprehended. Warning shots or shots fired for the purpose of summoning aid are generally discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective and reasonably safe.

The HPD's authorized use of force practices and training range from verbal communication to the application of deadly force. Authorized less lethal weapons include the baton (straight, side-handle, or expandable), Yawara Stick, conducted electrical weapon (CEW-Taser), oleoresin capsicum aerosol (OC), chemical agents, and kinetic energy projectiles. Agency approved weaponless force options includes the carotid control hold. Hayward Police officers surpass the level of training in defensive tactics and weapons proficiency training that is required by CALEA and the California POST. All reported applications of force are documented according to Internal Affairs developed procedures; objective review and evaluation of all reportable uses of force are completed. Internal Affairs utilizes IA-Pro 'Blue-Team' software to facilitate and track chain-of-command review history. An in-house panel is convened to review all reportable uses of deadly force that results in injury or death to a person, on or off duty. The panel also reviews circumstances surrounding all field related accidental or intentional discharges of firearms. The panel's findings are forwarded to the Chief of Police for review.

Use of Force

	2011	2012	2013*
Firearm	1	5	3
ECW	24	23	27
Baton	9	12	11
OC	2	2	3
Weaponless	110	98	80
Total Uses of Force	209	177	184
Total Use of Force Arrests	209	177	184
Complaints	9	13	9
Total Agency Custodial Arrests	5829	4030	3964

\*Annual Projected, based on actual January-September 2013 data

In 2010, 425 officers were involved in 239 UOF incidents, an 11% decrease from 2009. Force was used in 3.51% of 2010 arrests. In 2011, 371 officers were involved in 209 UOF incidents, a 13% decrease from 2010. Force was used in four percent of 2011 arrests. In 2012, 303 members were involved in 177 UOF incidents, a 15% decrease from 2011. Force was used in 4.37 percent of all 2012 arrests. In the three-year review period, the agency had 570 reportable uses-of-force, an average of 190 per year, or about one per sworn member. Subjects who physically resist arrest and fail to comply with an officer's lawful command continues to be the primary factor spurring incidents of reportable uses of force. The top suspect actions resulting in force that appeared in more than one annual analysis were Physical Resistance (twice); Aggressive Advance (twice); Assault (twice); and Mental Illness/Psychiatric Evaluation (twice).

The agency had nine situations necessitating firearms discharges this three year review period, seven intentionally in deadly force situations or attacking animals. The agency reports no warning shots discharged during the three-year review period. Of the five reported 2012 firearm incidents, one incident involved three officers, which the agency counts as three of the five incidents. The agency reports that the one incident in 2011 was lower than their norm, which typically averages two-three incidents annually, so 2012 and 2013 are close to the long range norm, when taking into account that three of the 2012 incidents arose out of one incident. Each shooting incident is reviewed by the Alameda County District Attorney, and each was determined to be justified. There is pending litigation on two of the firearms related incidents. The agency suggests that the limitations experienced from the launch of the new RMS system also affected custodial arrest data, that seeming declining arrest and custodial arrest data is not likely and will even out as future records data retrieval capabilities are enhanced. The agency felt that an average of ten complaints related to UOF is about their norm (31 out of 570 uses of force, five percent), and that each complaint is thoroughly investigated.

The annual analysis process resulted in the HPD making policy modifications to their use of force policies. As a result of their 2010 Analysis, the agency identified a risk management need, and amended their policy to conduct witness attempts as soon as practical following use of force, and that all witness statements will be recorded, and recordings placed into evidence. As a result of their 2011 Analysis, and based upon policy update suggestions from Lexipol, the agency modified their force policies to clarify supervisory responsibility with use of force incidents, including responding to force incidents resulting in injury, and ensuring medical attention for complaints of injury. As a result of their 2012 Analysis, the HPD modified their force reporting policy to require immediate verbal notification of an accidental discharge, as well as completing written reports, and supervisory investigation into the incident. The 2012 Analysis also notes that the agency force policy is currently under review for policy changes as suggested by HPD members and Lexipol, with revisions due in 2013.

### **Personnel Structure and Personnel Process (Chapters 21-35)**

There are four recognized employee organizations, including the Police Management Unit, Police Officer's Association (HPOA), Service Employees International Union (SEIU) Local 1021, and Hayward Association of Management Employees (HAME). City policy designates the City Human Resources Director or designee as principle negotiator, with primary responsibility to negotiate, establish, and administer written bargaining unit agreements. The 2007-2012 Agreement with the Police Management Unit was extended through 2015. A 2004-2008 Agreement with the Police Officers Association was extended through 2015. The 2007-2013 HAME Agreement will expire soon. The 2007-2011 SEIU Agreement is expired. The agency reports instability related to labor negotiations. Past agreements included negotiated cost saving measures side letters of agreement to address the city's dire fiscal situation.

The City and SEIU Local 1021, which represents city clerical and maintenance staff, have been involved in collective bargaining since last year. The citywide SEIU includes HPD Community Services Officers, Records Clerks, Animal Control, and Dispatchers. The two

groups remain far apart on the issue of concessions. As a result, there was a three-day strike in August 2013. The strike left the Police Department with limited staff to carry out day-to-day administration. Tensions and flared emotions at the strike caused some disruptions, but the Police Department responded quick and effectively. This experience prompted the HPD to plan and prepare for future labor-related events. At present, the Public Employment Relations Board (PERB) is in 'fact finding' to determine that there is a legitimate impasse. Depending on their findings, there is a possibility that the City may impose a 'last best' contract offer on the employees around January 2014. During this time, employees represented by SEIU Local 1021 can initiate a labor strike unannounced at any point, which is predicted to happen.

The assessment team confirms that the current performance evaluation system is compliant to CALEA standards; however, the agency recognizes inconsistencies with the way employees are rated. Each supervisor addresses performance issues differently, whether throughout the rating period or at the conclusion of it. The agency is working to implement better policies aimed at shaping HPD's culture regarding substandard performance, behavior and actions, which will raise the level of accountability when it comes to conduct issues. Universal aims hoped to achieve in this revision include enhancing the quality of the feedback received by employees; providing supervisors with administrative tools to effectively evaluate and rate their employees; holding supervisors accountable to provide timely feedback to their employees; holding supervisors accountable to holding their employees accountable; holding supervisors accountable to provide recommendations on ways for employees to improve substandard behavior; and train supervisors in the effective use of evaluation tools throughout the rating period to proactively address performance issues.

### Grievances

Agency grievance procedures are established through labor agreements for each of the four represented labor groups, with City of HPD policies providing grievance procedures for non-represented personnel. The Internal Affairs Unit is responsible for coordination of the agency grievance process and for the maintenance and control of grievance records.

Formal Grievances

Grievances	2011	2012	2013
Number	1	1	1

During the review period 2011-2013, there were only three grievances filed, each appealing discipline, each filed by a different member of the Hayward Police Officers Association. Each grievance was subsequently denied after determination that no error or policy violation by the Department or any member of the Department occurred. Annual Grievance Analyses were timely conducted in January following the completed review year. The agency concluded that there were no identifiable trends or patterns, nor were there any issues identified that would require grievance process or policy modification. The agency recently settled one grievance stemming from late 2012, involving a former HPOA member who was terminated as a result of discipline, initiating the grievance. His chief complaint was that the Chief of Police did not adhere to the proper time limits as stated in the HPOA labor agreement. His accusations were determined to be unfounded.

Also, a member of the HPOA initiated a grievance in June 2013, claiming the Department followed unlawful practice when disciplining an employee. This grievance is still under investigation and may result in arbitration.

The agency attributes their low grievance activity to the partnership that the Chief of Police and her executive team maintains with its labor unions. Chief Urban's strategy of working regularly with the labor unions means that all stakeholders can proactively address issues that might otherwise result in a grievance. Problem-solving most commonly takes place at offered monthly or quarterly meetings between managers and labor representatives. The intended goal is to address issues at the forefront, rather than deal with a flare up or grievance post implementation. Issues that arise throughout the year are identified through open lines of communication between the Chief of Police and labor representatives; then, members of command staff collaborate to effort to mitigate identified labor issues as they relate to policy and practice. Ultimately, the Chief of Police is able to utilize strong partnerships with the labor unions to move the organization forward. As an example, the HPD anticipates implementing body-worn cameras in 2014. In advance of this, labor representatives were invited to participate in the process of equipment testing and policy development, and opportunity for input into the project.

### **Disciplinary**

The HPD has adopted a Code of Conduct and Appearance Guidelines which are readily available to all personnel. City of Hayward and agency policies properly prohibit sexual and other forms of harassment and discrimination. The agency reports no related complaints in two of three years this review period. The HPD commits to upholding exceptional performance levels among its employees. In doing so, every level of the organization is held accountable to the upholding agency identified values, carrying out its mission and abiding by policy. Chief Urban stresses her efforts to foster a culture of employees that will not only model this as public servants, but hold their peers accountable to it as well. Employees acting in a way that violates their ethical expectations are held accountable. Early identification and intervention systems allow the agency to identify negative trends in any one individual and resolve it, either through training or discipline. The agency places a premium on the value of an effective manager, and views it's Sergeants as the single most influential group of managers in the organization. Their role in shaping the actions of their employees on a daily basis is consistently emphasized to them. The agency accomplishes this by training its line-level supervisors to identify substandard work behavior at its onset and then work to change it. Processes that relate to personnel actions are evaluated and improved upon to meet the changing issues that inherently arise in a diverse organization.

The agency has implemented an Awards and Commendation system to recognize and reward outstanding employee performance. The system also makes provision for honoring citizens of the community who substantially assist the agency in an extraordinary manner beyond normal civic responsibilities. An Awards and Commendations Board is tasked with evaluating and classifying Commendation Reports and for recommending appropriate action to the Chief of Police.

Personnel Actions

	2011	2012	2013*
Suspension	0	0	0
Demotion	0	0	0
Resign in Lieu of Termination	9	9	7
Termination	3	2	5
Other	24	11	19
Total	36	22	31
Commendations	17	19	19

\*Annual Projected, based on actual January-September 2013 data

HPD Personnel Actions activity illustrates the sweeping changes that have occurred in the agency since the arrival of Chief Urban, averaging nearly 12 terminations/resignations in lieu of termination annually in this three year review period. In 2011, a new process was implemented to collectively and collaboratively allow the entire chain-of-command to weigh in on the process of an employee who is being considered for discipline greater than a counseling or reprimand. Once a case has been reviewed and approved, an employee's entire chain-of-command convenes to discuss the employee's overall performance, evaluations, and day-to-day performance. Great consideration is given to the first line supervisor who has the most interaction with the employee. The agency reports that this process has proven to be beneficial in that supervisors have a chance to feel valued and have their experience and opinion count. This has resulted in creating a transparent environment and assists with succession planning with the HPD having a greater understanding that discipline is designed to address only two issues: (1) change employee behavior; and (2) set the standard for the organization.

**Recruitment and Selection**

The HPD contracts with CalOpps, a one stop job search portal for local government jobs in California. CalOpps provides a job board where candidates interested in a career in the public sector can view and apply for available listed positions. It also provides a paperless on-line applicant tracking system. The HPD was significantly impacted by the economic downturn and is slowly recovering; as a result, all recruitment and hiring was suspended in January 2011 due to a budget shortfall and economic uncertainty. In June 2011, all vacant positions were frozen, and the City had to initiate layoffs when some labor groups refused to voluntarily enter into 15% salary concessions. The suspension of recruitment and hiring continued into 2012, but successful labor negotiations concluded in July 2012, and hiring was able to be resumed. The combination of employee injuries and attrition has deeply impacted their ability to hire at the rate necessary to maintain full staffing. At present, hiring to fill these vacancies is a top priority.

The agency reports that the newly CALEA mandated Recruitment Plan Analysis resulted in modification of the agency Recruitment Plan, resulting in a more comprehensive medical evaluation/screening process for Police Officer applicants, as well as establishment of a mandatory physical fitness test score being presented at the time applications are received, equivalent to that used by the California Police Academy. The City Equal Employment Opportunity Plan previously consisted of Administrative Rule 2.43/Affirmative Action Program for the City of Hayward. This Rule was invalidated by Proposition 209 in 1996, which amended the California Constitution to prohibit public

agencies from considering race, sex, and ethnicity. In response, the City created an Equal Employment Opportunity/Non-Discrimination Policy, expressing their commitment to promoting equal opportunity to achieve a diverse workforce, as well as their commitment to ensure that recruitment activities are conducted fairly and objectively.

Sworn Officer Selection Activity in the Past Three Years

Race/Sex	Applications received	Applicants hired	Percent hired	Percent of Workforce population
Caucasian/Male	499	15	3.0%	0.00190
Caucasian/Female	51	1	2.0%	0.00013
African-American/Male	133	2	1.5%	0.00260
African-American/Female	36	0	0.0%	0.00000
Hispanic/Male	330	3	0.9%	0.00390
Hispanic/Female	65	1	1.5%	0.00130
Other/Male	337	6	1.8%	0.00780
Other/Female	16	1	6.3%	0.00130
Total	1467	29	2.0%	0.03700

The assessment team met with City Human Resources Director Fran Robustelli and discussed the shared recruitment and selection process presently employed by the City/HPD. Both City HR and the HPD readily discern their current sworn under-representation as compared with their service area demographic composition, and affirmed their desire for their sworn ranks to reflect the demographics of the community. There are still factors that impact the ability to accomplish hiring qualified applicants, including increased competition to hire among local agencies and an overall fewer number of candidates who can pass the rigorous background, medical, polygraph, and psychological tests.

Much of the Hispanic community is Spanish speaking, and the HPD understands that more female and Hispanic applicants need to proceed further in the applicant and hiring processes. In response, the agency is interested in reaching out to female and Hispanic youth to inspire and motivate them into a career in law enforcement, and commit to assess the types of barriers that have traditionally held women and minorities back in an effort to identify how the agency can play a role in reversing those employment barriers. The agency is encouraged that their commitment to enhancing partnerships with local community based organizations will strengthen and contribute to an increasing diverse candidate pool. This effort compliments the recruiting that currently takes place at area local colleges and regional police academies. Director Robustelli readily accepted assessor input on agency candidate/applicant demographic tracking needs, and demonstrated commitment to assisting the HPD in obtaining accurate available workforce data. This will significantly assist the new HPD Support Services Division Manager in crafting future HPD Recruitment Plans, enhancing the ability to be more specific in setting their action plan and objectives, as well as monitoring and measuring recruiting and viable applicant progress.

## **Training**

### **1. Ethics**

The agency has adopted the Law Enforcement Code of Ethics, and has incorporated their commitment to ethical conduct into the agency Values and Mission Statement. When creating the HPD Strategic Plan, agency members identified the values of being ethical and honest as distant most important organizational value(s). New hires are provided initial ethics training and the agency conducts annual ethics training for existing personnel. Ethics training centers on making ethical decisions both on and off duty.

### **2. In-service training**

The HPD provides each employee a remarkable 60 to 80 hours of training each year. Each uniformed officer receives a minimum of 12 hours of training every six months, including firearms, defensive tactics and impact weapons. HPD collaborates with the Alameda County Sheriff's Office, a long-standing and effective partnership which assists HPD to meet its training goals while reducing cost. HPD also takes advantage of shift briefings to supplement or reinforce training. Team supervisors have incorporated 'line up quizzes' to which officers respond to contemporary questions that invoke critical thinking.

## **Promotions**

The HPD promotional process system is designed to identify, evaluate and select employees with a potential for assuming greater vertical responsibility in the agency. City Human Resources (HR) facilitates closed promotional examinations for sworn ranks. Upon justifying the need for promotions to occur, HR announces a promotional process six months in advance. Employees are provided with promotion availability announcements describing the vacant job classification and prerequisites for entering the process. The agency uses multiple assessment tools that are weighted to evaluate the skills, knowledge and ability of potential candidates. While oral interviews are components of each process, the agency also elects to use written examinations and assessment centers to further measure critical competencies needed by the candidates to fulfill the job function. The Chief's Interview is used for the purpose of selecting the candidates for promotion. The Chief may solicit input from existing supervisors and managers as to the candidates' qualifications and suitability for promotion based on the candidates' past performance. Based on promotional records, the agency's promotional process is both job related and non-discriminatory and is fairly and equitably administered. Promoted candidates are required to successfully complete at least a one-year probationary period.

Sworn Officer 2011-2013 Promotions

	2011	2012	2013
GENDER/RACE TESTED			
Caucasian/Male	0	36	23
Caucasian/Female	0	3	3
African-American/Male	0	7	3
African-American/Female	0	2	1
Hispanic/Male	0	8	6
Hispanic/Female	0	2	0
Other/Male	0	0	1
Other/Female	0	0	0
GENDER/RACE ELIGIBLE AFTER TESTING			
Caucasian/Male	0	20	10
Caucasian/Female	0	3	2
African-American/Male	0	0	1
African-American/Female	0	2	0
Hispanic/Male	0	5	2
Hispanic/Female	0	0	0
Other/Male	0	0	1
Other/Female	0	0	0
GENDER/RACE PROMOTED			
Caucasian/Male	4	3	4
Caucasian/Female	0	1	1
African-American/Male	0	0	0
African-American/Female	0	1	0
Hispanic/Male	0	1	1
Hispanic/Female	0	0	0
Other/Male	0	0	1
Other/Female	0	0	0

No promotional testing was held in 2011 due to fiscal challenges; however, there were four promotions in 2011, based on eligibility lists that were established in previous years. Eventually, a promotional testing announcement was later made in 2011 for a testing process to occur in February 2012. Since 2012, the agency shows no signs of slowing down their promotional process. A majority of Lieutenants will reach retirement eligible age within the next five years. The agency recognizes that the complexity of issues that will impact the HPD in the future means that they must encourage and prepare current officers now. Their desire is that the type of preparation should include strong mentorship, on-the-job training, in-service situational leadership training and analysis. The agency has been ramping up resources being devoted to succession planning, which will ensure that those promoted or to be promoted in the future have an important job of shaping a new culture internally, as well as helping the agency adapt to an ever-changing Hayward community.

**Law Enforcement Operations and Operations Support (Chapters 41-61)**

Uniformed Patrol is staffed with 88 officers, and accomplishes an HPD identified essential core service, responding to calls for service in the community. Patrol officers are organized into nine geographical patrol beats to evenly distribute resources to

expeditiously respond to calls for service. A desk officer is assigned to the front office.

The Investigations Division is divided into three operational bureaus encompassing 13 different work units comprising a collective 65 employees. The Criminal Investigations Bureau is staffed by a Lieutenant, four Sergeants, and 19 sworn Investigators. The current configuration was the subject of a recent reorganization, with the former Intelligence Bureau disbanded with a majority of their duties being diverted to other bureaus/units. A Special Investigations Bureau (SIB) is staffed by a Lieutenant, Sergeant, 11 Detectives, and five officers. The Youth and Family Services Bureau is staffed by a Manager, Sergeants, six School Resource Officers (SRO's), and 13 other staff responsible for victim advocacy, gang prevention, and counseling.

Prevention programs handled through the HPD Youth and Family Services Bureau (YFSB) are nationally recognized and modeled for many law enforcement agencies. The YFSB blends a traditional and non-traditional program into a very unique service that is provided to the community. In the YFSB, police and professional counselors work together to provide assistance and services to children, youth, and families. Originally started in 1973 as an outreach program, it has grown to a vibrant program that assists the children and families in the community. The program brings together the School Resource Officer Program, Crisis Intervention, Counseling Services, Juvenile Diversion, and the "Our Kids Our Families" program together under the direction of YFSB Bureau Manager Dr. Emily Ruffo and SRO Sergeant Rich Butler.

The HPD places emphasis on the Junior Giants program which is a free non-competitive baseball program for Hayward youth ages 5-14 years old. The program is run in partnership with the San Francisco Community Fund and the Hayward Area Recreation and Park District. The HPD places two counselors in the local schools on a rotating basis to assist with behavior problems at home, school and in the community. They also address parent-child conflict and adjustment to family traumas such a death and divorce. The HPD employs a remarkable eight Counselors, who along with the SRO's work with the children and youth to determine if there is a need for diverting a child or youth who gets into trouble out of the Juvenile Justice System. Counselors are also available at Police headquarters for people seeking assistance. This collaboration is aimed at helping those individuals who are seeking help and looking for assistance.

Through funding provided by the California Gang Reduction, Intervention and Prevention Program (CalGRIP), YFSB's Hayward Positive Alternatives for Youth (HPAY) program provides early intervention and prevention services to Hayward youth and their families. The program consists of prevention, early intervention, and intensive intervention strategies to prevent and reduce gang activity in the Hayward community while increasing resilience and improving academics. YFSB provides gang awareness presentations to 2,300 Hayward students, parents, teachers and community members annually. As measured by pre and post surveys, approximately 73% reported increased awareness of gangs and intent to resist or discontinue gang involvement. In attempt to avoid recidivism and need for expensive, intensive, and restrictive responses by the Probation Department, the Alameda County Juvenile Probation Department contracts

with the YFSB to provide criminal justice diversion programs for juvenile offenders arrested and issued a Notice to Appear for criminal behavior. The HPD does not provide a role in social service diversion programs, as these are handled by Alameda County.

### **Crime Statistics and Calls for Service**

The City of Hayward is confronting major challenges associated with the Public Safety Realignment Act/Assembly Bill 109 (AB 109). AB 109 has prompted the incremental release thousands of low-level prisoners back into local communities. The net effect of this legislation, developed to reduce prison overcrowding, has been to transfer the responsibility for managing serious offenders to local authorities. Since implementation in 2011, resulting trends include an uptick in property crimes in Hayward and surrounding communities. After experiencing this impact, reducing property crimes by five percent was adopted as one of the top Council Priorities. Approximately 20% of these individuals that have re-offended are in custody once again; however, this time it is impacting local jail facilities, resulting in increased booking and housing costs, and increased staff time dealing with these special cases. The agency is using data-driven and intelligence-led policing as an opportunity to target these individuals; however redirecting those resources to address a problem created by the state detracts from their ability to focus on home grown gang related issues and quality of life concerns.

CRIME	2011	2012	2013
Murder	7	6	3
Forcible Rape	44	46	31
Robbery	360	342	347
Aggravated Assault	170	221	236
Burglary	988	1109	1049
Larceny-Theft	1693	2227	2105
Motor Vehicle Theft	1101	1456	1737
Arson	16	34	13

\*Annual Projected, based on actual January-September 2013 data

The HPD looks to demonstrate ethical and technical proficiency in responding to threats to the community. In response to an increase in burglary, the agency implemented a Multi-Agency Task Force for a six week period to address residential burglaries within the city in August 2012. 'Hot-spot policing', or predictive policing was implemented as a new strategy to predict where residential burglaries were likely to occur and then through this crime analysis, directed patrols at those locations. For a 30 day period, each patrol officer spends their discretionary time within the assigned northern or southern 'hot-spot'. Each officer is encouraged to conduct walking patrols, traffic enforcement, pedestrian stops, and write their reports within the assigned hot-spot. The agency reported a 21.5% decrease in residential burglaries citywide.

The HPD created the Synchronized Multi Agency Safe Housing Program (SMASH) to address chronic neighborhood issues. Since its inception, the program has proven to be a valuable tool in resolving long term neighborhood issues through the collaborative efforts of all city departments. District Commands are responsible for conducting SMASH operations, with a goal to provide quality rather than quantity operations. Operations are often facilitated by line officers who have demonstrated initiative and desire for taking

responsibility for coordination of the operations. SMASH operations typically involve a majority of the Police Department, as well as representatives from all other City functions and the District Attorney's Office. The agency has been able to conduct approximately 100 SMASH operations annually, and report significant success in these operations.

Calls for Service (CFS)

2011	2012	2013*
136,874	81,354	77,186

\*Annual Projected, based on actual January-September 2013 data

The agency attributes the significant decrease in cfs from 2011 to present to their new Records Management system, as their former system could not distinguish officer non-cfs activity from actual calls-for-service. The new system will increase accuracy.

### Vehicle Pursuits

The HPD pursuit policy emphasizes balancing the safety of the public and themselves against their duty to apprehend violators of the law. The policy encourages officers to exhibit a high degree of common sense and sound judgment and reminds officers that the immediate apprehension of a suspect is generally not more important than the safety of the public and the pursuing officer. Vehicle pursuits, in some cases, are subject to the approval of a sworn supervisor or a Watch Commander. Vehicle pursuits are to be terminated when the risk of continuing the pursuit reasonably appears to outweigh the risks resulting from the suspect's escape.

Vehicle Pursuits

PURSUIITS	2011	2012	2013*
Total Pursuits	7	8	12*
Terminated by Agency	1	5	2
Policy Compliant	7	7	8
Policy Non-compliant	0	1	1
Accidents	3	1	3
Injuries: Officer	1	0	0
: Suspects	1	1	1
: Third Party	0	0	0
Reason Initiated:			
Traffic offense	1	1	1
Felony	5	4	7
Misdemeanor	1	3	1

\*Annual Projected, based on actual January-September 2013 data

Nine pursuits year-to-date in 2013 would project out to 12, an increase over the average six to eight pursuits the agency has conducted annually since 2008. Agency annual analysis reveals that approximately two thirds of all pursuits are preceded by a violent felonious act. DUI-related incidents where the violator's driving created a serious public safety hazard prior to police contact was cited for the remainder of pursuits. One third of all pursuits were terminated by the agency when the danger to the public outweighed the necessity of apprehending the violator. The agency completes timely annual pursuit analyses. During this three year review period, seven pursuits resulted in traffic collisions involving an emergency vehicle and or violator's vehicle. None of those incidents resulted in injury to a third party. The agency cited a current nationwide trend in officer-

involved vehicle accidents and in the line of duty deaths as a result of vehicle collisions. The Fatality Analysis Reporting System (FARS) shows that California has the highest number of officer fatalities due to vehicle collisions found in data collected from 1980 to 2008. In an effort to be proactive where this growing trend is occurring, the agency hosted a 'train the trainer' session in 2013. The session was hosted by Below 100, a national program intended to lower line of duty deaths to below 100. Once certified, the trainers will pass on these invaluable officer safety guidelines, as they relate to emergency vehicle operations, at the HPD's continuing professional training in 2014.

The agency Early Identification and Intervention System is used to identify those who may need remedial training or discipline where traffic accidents or improper vehicle pursuits are concerned. The assessment team worked with staff to ensure the annual analysis process brings value to the organization, with an emphasis on 'Analysis-CALEA Style' resources. The agency readily accepted assessor suggestions to revisit their agency pursuit policy directives and to examine the 25% 'Policy Non-Compliant' finding of pursuits for traffic and misdemeanor reasons.

#### **Critical Incidents, Special Operations and Homeland Security**

The HPD tasks the Special Response Unit (SRU) Commander with planning agency critical incident response responsibilities. The agency has adopted the City Emergency Management Plan in the event of a disaster or other emergency event, which makes provision for a unified strategic response by all employees and assigns specific responsibilities in the event the plan is activated. The Emergency Management Plan is maintained and edited by the City Fire Chief on an annual basis. The agency has significant equipment designated for use in support of its critical incident plan, and conducts inspections for operational readiness that exceeds the CALEA standard mandate of quarterly. All hazards response training is provided annually.

The agency utilized their emergency planning process on a number of occasions this review period. Incidents of note include a 2010 mass protest which led to a riot downtown following the conviction of a former neighboring agency officer of involuntary manslaughter. In 2012, the agency assisted the Alameda County Sheriff's Office with an 'Occupy Oakland' demonstration. In 2013, the emergency planning process was utilized as the agency made joint plans with a local area violent crimes task force to conduct multiple search warrant raids in order to dismantle two criminal street gangs.

The HPD has a designated Intelligence and Homeland Security Liaison, and the agency maintains liaison with numerous security organizations, including the Northern California Regional Intelligence Center (NCRIC), State Terrorism Threat Assessment Center, California Office of Homeland Security, and California Emergency Management Agency (Cal E-M-A) for the exchange of terrorism related information.

#### **Internal Affairs and Complaints against employees**

The Internal Affairs Unit (IAU) is staffed with two full time employees, including a Lieutenant and a Sergeant, which services the HPD and at times, other City Departments. The Internal Affairs Lieutenant reports directly to Chief Urban. The IAU

mission is to provide transparency and accountability to the HPD service community, and is responsible for ensuring that employees operate within established federal, state, and local laws, as well as all departmental policies during the daily performance of their duties. This is accomplished through receiving, investigating, and resolving complaints and/or allegations of employee misconduct as well as ensuring that all employees experience a fair/consistent discipline process. The IAU is also responsible for managing the HPD Early Intervention and Identification System.

The HPD has adopted directives mandating the investigation of all complaints, alleged or suspected, either signed or anonymous, that are made against the agency or its employees. This information is made available to the public via a brochure containing procedures for filing a complaint maintained in a clearly visible location in the agency public lobby. Agency directives clearly specify how different types of complaints will be investigated by the agency, distinguishing between serious, less-serious, formal, informal, potentially criminal, and personnel matters. Generally, primary investigation responsibility for less serious or informal complaints rests with the employee's immediate supervisor. Serious or formal complaints are investigated by Internal Affairs. The IAU utilizes IA-PRO internal affairs management software, and the Lieutenant maintains an active spreadsheet of open cases. At least bi-weekly, or more often as necessary, the Lieutenant meets with the Chief of Police to provide a briefing/update on the status of new and open investigations. Agency directives mandate that the Chief will be notified immediately upon receipt of a complaint that involves allegations of a serious nature. Annual statistical summaries are made available to the public and agency employees through the agency website.

Complaints and Internal Affairs Investigations

<b>External</b>	2011	2012	2013
Citizen Complaint	29	27	35
Sustained	5	6	11
Not Sustained	7	6	1
Unfounded	10	15	6
Exonerated	7	0	3
Pending	0	0	9
<b>Internal</b>			
Directed complaint	11	8	20
Sustained	8	8	5
Not Sustained	3	0	0
Unfounded	0	0	0
Exonerated	0	0	0
Pending	0	0	11

\*Annual Projected, based on actual January-September 2013 data

Agency evaluation of externally generated complaints for 2011 and 2012 reflect similar patterns, and concluded that none of the findings reveal contributing factors that substantiate a change in policy, procedure or training in a given area. The agency experienced an increase of internally initiated complaints in 2013 when compared to the previous two years. Command staff attributes the increase to employee off-duty conduct. The Field Operations Captain hosted a supervisor's meeting convened specifically to address accountability issues within the organization. Staying alert to problematic

behaviors, individuals or activities sets an example to the rest of the organization and personnel. Command staff has discussed the sufficiency of their secondary employment policies, and factored this conduct into recent promotional processes.

The agency anticipates that the impending implementation of body worn cameras will change the findings in future complaints such that the 'not sustained' category will be significantly reduced and outcomes of investigations will be more specifically defined. The 'not sustained' category is utilized when the facts cannot be determined with a preponderance of the evidence. Subsequently, findings of 'unfounded' or 'sustained' in externally generated complaints are likely to increase. The agency reasonably concludes that the 'unfounded' category is the most likely to increase with the implementation of body worn cameras. This substantiates the necessity to enhance accountability at all levels of the agency, along with vigorously raising awareness of improper employee actions.

#### **Detainee, Court Related Activities; Auxiliary, Technical Services (Chapters 70-91)**

The HPD maintains a full-service, Type 1 Jail facility, housing prisoners up to 96 hours, and CALEA standards on Holding Facility are not applicable by function. The only temporary detention conducted by the HPD applies to the custody of juveniles. All adult detainees are immediately processed into the HPD Detention Facility. The Court Security function is also not applicable, as this function is conducted by the CALEA accredited Alameda County Sheriff's Office.

The HPD maintains its own Communications Center (Center), which is not shared with any outside agency beyond City of Hayward public safety personnel. The Center maintains nine Federal Communications Commission Radio Station Licenses with staggered expiration dates between 2014 and 2021. The Center has the equipment capability to access inter-jurisdictional and regional law enforcement and public safety radio systems, including the California Law Enforcement Mutual Aid Response System and countywide 800 MHz system. The HPDCC utilizes an Aegis MSP Computer Aided Dispatch (CAD) system for obtaining and recording information regarding calls-for-service (cfs) and officer self-initiated activity. A 'crash cart' equipment system is in place to ensure service continuity in the event the CAD system goes down. The Center has three dedicated uninterrupted power source units (UPS), each protecting one of three separate components of the communications system. The UPS systems are checked monthly and subjected to a full load test by a qualified electrician annually. Center staff do not provide emergency first aid instruction.

The HPD Crime Scene Response Unit is responsible for the collection and preservation of evidence in the furtherance of prosecution of offenders and criminal cases involving the Hayward Police Department. Staffed with four certified Crime Scene Technicians, the Technicians routinely process various forms of evidence using approved methodology to recover latent fingerprints, DNA, serological and photographic evidence. The Technicians perform analysis and prepare supplemental reports as well as assisting in the prosecution through expert court testimony.

The HPD provides law enforcement services to the Chabot Community College. A sworn Sergeant is assigned to the College. The campus maintains 20 emergency-only fixed location 'talk-a phones' and a security camera system. They also maintain an 'AlertU Emergency Notification' System, for emergency notifications regarding incidents occurring on campus and represents a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees. Notifications are transmitted via the AlertU System and the college Tightrope Carousel, a visual information system broadcast through a series of big screen monitors strategically placed throughout the campus. The Chabot Community College District does not maintain a medical center or research facility. In compliance with the Clery Act, a Crime Log is maintained in the Campus Safety Office, and made available to the public.

### **Property and Evidence**

Loss of the Jail Managers position in the 2011 budget crisis necessitated considerable change, resulting in responsibility for the management of the jail and crime scene unit being folded into the Evidence Managers duties. The HPD Property and Evidence Unit are staffed with a supervisor and four Property Technicians, each certified as property and evidence technicians by the International Association for Property and Evidence (IAPE). The Property and Evidence Unit consists of two storage locations, and an impound lot. The area located within the police building houses all items requiring additional security, including narcotics, firearms, jewelry and currency awaiting deposit into the police evidence bank account. A secure external facility houses all large evidence, bulk marijuana and large freezer/refrigeration storage units. The Property function is currently transitioning from Quetel property/evidence bar-coding software to the New World Property Management system. The unit reports their most serious issue is the lack of ability to complete purging in a timely manner, which is partly attributed to short staffing necessitating the line supervisor to act primarily as an additional Property Technician, and the logistics of attempting to integrate three property management software systems.

The agency completed each audit/inspection as required, utilizing CALEA Manual Appendix I to determine their significant representative sampling target for their annual out-of-chain supervisory audit. The agency audited 5,447 items in 2011; 5,392 in 2012; and 5,900 in 2013. No outstanding or missing items were noted. The Evidence Manager and Supervisor recognized their previous limited understanding of the intent of the various types of audits and inspections is now significantly enhanced, and readily accepted assessor suggestions on enhancing their current audit/inspections process to bring added value to the agency.

### **H. Applied Discretion Compliance Discussion:**

This section provides specific information on standards found to be in compliance after on-site "adjustments" were made. Adjustments may include modifying agency policies and directives, creating documentation, and an alteration of the physical plant.

The agency had no standards in applied discretion.

**I. Standards Noncompliance Discussion:**

Noncompliance includes both standard areas where there is no compliance and where written 'compliance exists' but the agency apparently is not significantly following its policies and procedures. This often involves considering the degree of seriousness and other factors affecting the situation.

The agency had no standards in non-compliance.

**J. 20 Percent Standards:**

CALEA agencies must be in compliance with at least 80% of applicable other than mandatory (O) standards. The agency is free to choose which standards it will meet based on their unique situation.

The agency is in compliance with 90.4% of applicable other-than mandatory (O) standards.

**K. Future Performance/Review Issues**

[This section reports on directives that appear to meet the intent of standards but the directives initial established time line for completion of required activities has not be met ("wet ink"). These requirements are reported to emphasize that these activities must be completed in the appropriate time frame.

Three standards were identified as Future Performance/Review Issues:

91.1.1 *The agency has a written directive requiring a documented risk assessment and analysis every three years that addresses: bullets a-g (M)*

ISSUE: In January, 2013, the agency received a CALEA staff interpretation that Chapter 91/Campus Law Enforcement standards were now applicable, as the agency provides law enforcement services to the Chabot Community College. In response, the agency adopted written directives in July 2013 which were revised to more fully meet the standards in December 2013. The agency has yet to conduct the risk assessment or analysis (not yet due), and reports they are currently in discussions among School District Managers to initiate a risk assessment and analysis.

91.1.8 *If the agency has responsibility for security cameras, a written directive addresses:  
f. annual reevaluation of incidents and camera locations; (M)*

ISSUE: The agency has yet to conduct an annual reevaluation of incidents and camera locations, as the agency just recently came into compliance with this standard.

91.1.9 *If the campus has fixed locations for "emergency only" phones or related devices, the agency has a written directive that addresses:  
e. a needs review based on a documented security survey conducted once every three years. (M)*

ISSUE: The agency just recently came into compliance with this standard, and the needs review mandate has not yet come due.

**L. Table: Standards Summary:**

	<u>TOTAL</u>
Mandatory (M) Compliance	322
(M) Noncompliance	0
Waiver	0
Other-Than-Mandatory Compliance	66
(O) Noncompliance	0
(O) Elect 20%	7
Not Applicable	<u>86</u>
TOTAL	481

**M. Summary:**

The assessors reviewed all files and found them to be in compliance with agency practices meeting the intent of CALEA standards. The assessment team found agency files exceptionally well prepared and documented, a remarkable accomplishment when considering the agency changed Police Chiefs and Accreditation Managers this review period, both coming from outside the agency. No files were identified in Applied Discretion, a noteworthy improvement from their seven in 2010. No files were identified as File Maintenance, as compared with seven in their 2010 assessment. There were no issues that required attention on this assessment from the agency's last assessment, and no files were determined to be in non-compliance. The agency submitted each of their Annual Reports to CALEA as required.

The HPD conducted a citizen survey from September 2012 to December 2012. The surveys were placed at various city offices, including the police department, fire department, city clerk, city manager, and the public library. At the conclusion of the survey period, 531 individuals had responded. The agency reported that it only captured a "very narrow slice" of the true demographics of the community. The agency received consistently high marks in customer service. Violent crime, drug use, and gangs were the most consistent crime issues reported in the survey, but residential burglary was the major public safety concern. The survey revealed that the majority of the respondents felt that the HPD officers were very courteous and professional and felt that they were somewhat effective in dealing with crime and were doing a good job. The citizen's recommendations and suggestions of improvements addresses the need for improved officer response time, patrolling neighborhoods more often, increasing School Resource Officers, and improving public trust with the police. At the conclusion of the survey, the results were forwarded to the Chief of Police.

The agency commits considerable resources to creating and maintaining community partnerships, and in return, enjoys equally considerable overwhelmingly positive community support and recognition. Dr. Emily Ruffo, Youth and Family Services Bureau Administrator, was named the California School Resource Officer Association's Law Enforcement Administrator of the Year in 2013. Dr. Ruffo leads her bureau in offering counseling services to at-risk youth in the Hayward community. She successfully

operates a diversion program for juveniles, one of the most unique models of law enforcement-counseling partnerships in the state. Chief Diane Urban received Chabot College's Defense of Liberty Award, which honors those demonstrating outstanding leadership in law enforcement and service that improves the safety, security and quality of life in the community. The HPD received honorable mention in Excellence in Victim Service for a mid-size agency, which is an award given out by the IACP. This honorable mention was provided due to the innovative approaches in helping victims of crime and trauma that HPD's Youth and Family Services Bureau provides to the community. The Alameda County District Attorney awarded Detective Zach Hoyer with their Officer Appreciation Award, for demonstrating actions that were considered above and beyond the call of duty in 2011. The award described the investigative efforts as significantly impacting gang violence in the City of Hayward.

The agency offered their observation and summary of the impact on the HPD since becoming CALEA accredited in 2010: "The HPD operates within an extremely scrutinizing and litigious environment in California. We constantly face unpredictable environmental factors that force us to change priorities frequently. Given these circumstances, CALEA ensures that we proactively safeguard ourselves from potential outcomes that are damaging to the organization and its employees. While accreditation does not fully prevent all negative impacts, it certainly reduces or lessens them through 'pre-incident' crisis management and risk assessment. This is one of the prime theories conveyed to employees when educating them on the benefits of the accreditation process. Concurrently, through the accreditation process we are constantly maintaining a pulse of the organization. In doing so, we open doorways to improvement and advancement. This is another concept we commonly use when discussing the benefits of CALEA to agency personnel. As a result, they strive to consistently improve the quality and efficacy of their service to the citizens of Hayward, and moving forward, there is no doubt that the HPD will continue to grow and improve from the accreditation process."

Rob J. Sofie  
Team Leader

Date of final approval