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**1-3-1700 SHORT TITLE AND PURPOSE.**

This Article shall be known as the City of San Leandro “Community Police Review Board Ordinance.” The purpose of the board is to increase public trust, increase accountability, ensure that police operations reflect community values, and, in cooperation with the Independent Police Auditor, ensure prompt, impartial, and fair investigations of complaints brought by members of the public against San Leandro Police Department employees, including, but not limited to, complaints under California [Penal Code](#) Section 832.5.

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**1-3-1710 ESTABLISHMENT.**

There is created and established an appointed body of the City Council to be known as the Community Police Review Board and hereinafter called “board” or “CPRB.”

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**1-3-1720 MEMBERSHIP AND CONDITIONS OF HOLDING OFFICE.**

(a) The board shall consist of nine (9) members. The membership shall include one member from each of the six (6) Council Member Districts, an at large member appointed by the Mayor pursuant to Section [1-3-110](#) of this Code and two (2) Student Members, as defined by San Leandro Municipal Code Section [1-3-110](#).

(1) Each member shall be a resident of the City.

(2) Subject to the receipt of enough qualified applicants, the Council must appoint a majority of members to the board who reflect the diversity of the City, by including members who represent the City's diverse geographic areas and socio-economic, cultural, racial, ethnic, gender, gender identity, sexual orientation, and age differences, and who have differing personal backgrounds, education, occupations, and life experiences.

(3) To ensure the board's independence from the San Leandro Police Department and other law enforcement agencies, no current or former employee of a Police Department or other law enforcement agency may serve on the board. In addition, no immediate family or household member, defined as the parent, spouse, domestic partner, sibling, child, or cohabitant, of a law enforcement officer, who works or worked for a law enforcement agency, may serve on the board. For purposes of this prohibition, law enforcement agencies include Police Departments of all cities, as well as all public agencies, County, State, and Federal law enforcement officers, and City, County, State, and Federal prosecutors and public defenders.

(4) Practicing attorneys who handle, or are members of firms or entities that currently handle criminal or civil matters involving law enforcement agencies are ineligible to serve on the board.

(b) Board members are expected to comply with all of the duties and obligations required or expected of board members by this Article. A board member may be automatically removed from office by the Council for two (2) unexcused absences in a calendar year. An excused absence is one where the board member notifies the board chair of their absence at least forty-eight (48) hours in advance of the board's next regular or special meeting. Notwithstanding anything to the contrary, the Council may remove a member for three (3) absences of any type in a calendar year.

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**1-3-1730 ORIENTATION AND TRAINING.**

(a) No later than ninety (90) days after appointment, each member shall:

(1) Participate in a ride-along with the Police Department in a four (4) hour minimum shift; and

(2) Receive approximately thirty (30) hours of training in relevant subject matters facilitated by City staff, including, but not limited to, the Police Department, on topics including, at a minimum, constitutional rights and civil liberties, [Penal Code](#) Section 832.5, fundamentals of procedure, evidence, and due process, procedural rights and confidentiality afforded to police officers by California law (including, but not limited to, [Government Code](#) Section 3300 et seq. and [Penal Code](#) Sections 832.7 and 832.8), Police Department operations, policies, practices, and procedures, and duties, responsibilities, procedures, and requirements associated with all ranks and assignments, including support services; and

(3) Receive ethics training as required by State law (AB 1234, Chapter 700, Stats. of 2005) and submit to the City Clerk annual statements of economic interest pursuant to the City’s conflict of interest code.

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**1-3-1740 ANNUAL REPORT.**

The board shall submit an annual report and workplan to the City Council no later than June 30 of each year. Attendance records of members shall be included as part of the annual report.

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(a) The board's function is to:

(1) Receive community feedback and [Penal Code](#) Section 832.5 complaints and refer them for further review, as appropriate, to the Independent Police Auditor or the internal affairs function of the Police Department;

(2) In accordance with all Federal and State laws, including, but not limited to, the Peace Officers Procedural Bill of Rights Act, receive reports from the Independent Police Auditor regarding personnel discipline and complaints, critical incidents, Police Department policies, and other law enforcement matters;

(3) Monitor, review, and provide input on Police Department policies, and receive reports from the Police Department on policies that indicate a need for review based on trends and data or that are, in the judgment of a majority of the board, of compelling community-wide concern. At the City Manager's exclusive discretion and direction, City employees shall cooperate with and assist the board and its staff with the gathering and receipt of public records as defined by the California Public Records Act relevant to the Board's function. Police Department policy reviews may be initiated by either the Independent Police Auditor or action by a majority of the board;

(A) Notwithstanding the right to play a role in monitoring and reviewing Police Department policies, the board must refrain from any action or statement to prevent implementation of a Police Department policy that under State or Federal law is recommended by the Police Chief to take immediate effect or required to take immediate effect.

(B) Notwithstanding the right to play a role in reviewing and monitoring Police Department policies pertaining to personnel matters, the board must refrain from: (i) directly or indirectly taking active participation in personnel matters; (ii) taking personnel actions; (iii) using or misusing records developed to take personnel actions; and/or (iv) directing that action be taken on Police Department employees.

(C) Notwithstanding any other rights or functions contained herein, including the receipt and referral of [Penal Code](#) Section 832.5 complaints, the board must refrain from drafting or submitting any subpoena or soliciting a second legal opinion on a matter after receiving an opinion from the City Attorney without first submitting such request to the City Manager who shall forward it to the City Council.

(4) Upon notice of vacancy for the position of Chief of Police, receive from the City Manager a report on the job requirements, application process, and evaluation criteria of candidates for the Chief of Police, and make recommendations to the City Manager regarding the job requirements, application process, and evaluation criteria.

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There is hereby established an Independent Police Auditor, who is appointed by and is a direct report to the City Manager, who shall perform the following functions:

(a) Serve as an independent monitor of the Police Department.

(b) Participate in all internal affairs and administrative review processes conducted by the Police Department. The Independent Police Auditor shall receive immediate notification of all critical incidents and may at its discretion provide advice to the Police Department's administrative investigations team during its internal affairs investigation, and shall receive all of the same documents and records as the Police Department's administrative investigators.

(c) Serve as the law enforcement subject matter expert to the board. The Independent Police Auditor shall assist the board with classifying [Penal Code](#) Section 832.5 complaints; analyze for the board local, State, and national police data and trends; make expert recommendations to the board and the Police Chief on Police Department policies, with specific expert recommendations pertaining to investigations, training, and discipline policies; assist the board with the preparation of the board's annual report and workplan; and in collaboration with the City Manager support the board's public outreach activities.

(d) Recommend, with the Police Chief's and the specifically affected Police Department personnel's written consent, referrals for voluntary and confidential mediation of specific complaints to community based mediation services provided by trained or certified mediators.

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**1-3-1770 QUALIFICATIONS OF THE INDEPENDENT POLICE AUDITOR.**

(a) Subject to the discretion and judgment of the City Manager, the Independent Police Auditor shall at a minimum have professional experience, certifications, and other qualifications specifically related to law enforcement agency personnel investigations, and California law related to the Public Safety Officer’s Procedural Bill of Rights Act (California [Government Code](#) Section 3300 et seq.).

(b) Before appointment, the Independent Police Auditor shall be subject to a full background check, confidentiality oath or agreement, and training on access to San Leandro Police Department personnel investigations and records.

**(Legislative History: Ordinance No. 2022-004, 3/22/22 (Sections 1-3-1700—1-3-1770))**

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