



**POLICE OVERSIGHT &  
ACCOUNTABILITY COMMISSION  
REGULAR MEETING**

**APRIL 9, 2026**


**COMMISSIONERS**

John Lewis (District 6), Chair  
 Renee Sykes (District 4) Vice Chair  
 Rommye Qualls (District. 1)  
 Cameron Clark (District 2)  
 Richard Hybels (District 3)  
 Derek Roy (District 5)  
 Naomi Yun (At-Large)  
 Melvin Jones (Community Alternate)

**HYBRID MEETING**  
[www.Cityofvallejo.net](http://www.Cityofvallejo.net)

**6:30 PM**

Council Chambers  
 555 Santa Clara Street  
 Vallejo, CA 94590

|  |   |
|--|---|
| <p>NOTICE: Members of the Public will be able to participate in-person or remotely via Zoom</p>  | <p>City Hall and the Council Chambers will be open to members of the public 30 minutes prior to the start of the meeting.</p>   |
| <p><b>PUBLIC COMMENT:</b> Members of the Public may provide public comments during the Meeting in person or via ZOOM (<a href="https://ZoomRegular.Cityofvallejo.net">https://ZoomRegular.Cityofvallejo.net</a>), or via phone, by dialing (669) 900-6833.</p>   | <p>For additional instructions on how to speak remotely during public comment, please visit, <a href="http://www.cityofvallejo.net/publiccomment">www.cityofvallejo.net/publiccomment</a></p>   |
| <p><b>VIEW THE MEETING:</b><br/>       There are four different ways you can view this public meeting:</p> <ul style="list-style-type: none"> <li>• In Person</li> <li>• Watch Vallejo local channel 28</li> <li>• Stream from the City website: <a href="http://www.cityofvallejo.net/Streaming">www.cityofvallejo.net/Streaming</a></li> <li>• Join the Zoom webinar: <a href="https://ZoomRegular.Cityofvallejo.net">https://ZoomRegular.Cityofvallejo.net</a></li> </ul>   | <p>Scan QR code for live captions and translation in Spanish and Tagalog.</p> <div align="right">  </div>  |
| <p align="center"><b>Hybrid Options are available for members of the public to participate. To participate remotely</b></p>  |   |
| <p><b><u>Option to Join by Computer</u></b><br/>       From your browser go to <a href="https://ZoomRegular.CityofVallejo.net">https://ZoomRegular.CityofVallejo.net</a> to launch and join the zoom application.<br/>       Meeting ID: 914 0075 0676#<br/>       Meeting Password: 131313</p>  | <p><b><u>Option to Join by Phone</u></b><br/>       Dial (669) 900-6833<br/>       Enter Meeting ID: 914 0075 0676#<br/>       Meeting Password: 131313<br/>       Press *9 to digitally raise your hand from the phone.<br/>       Press *6 to unmute/mute</p> |
| <p>Any supplemental writing related to an agenda item for an open session of a regular meeting that is distributed to all or a majority of all members of the Commission less than 72 hours before the meeting will be posted concurrently on the City’s website at <a href="http://www.cityofvallejo.net/agendas">www.cityofvallejo.net/agendas</a> Written material distributed during the meeting, will be available at the meeting if prepared by the City or after the meeting if prepared by someone else. Such materials may be obtained from the Commission Secretary.</p> |   |



Vallejo City Council Chambers ADA compliant. Devices for the hearing impaired are available from the City Clerk. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof

## **AGENDA**

**1 CALL TO ORDER**

**2 PLEDGE OF ALLEGIANCE**

**3 ROLL CALL**

**4 COMMUNITY FORUM**

*The Community Forum is an opportunity to address the Commission on any matter for which another opportunity to speak is not provided on the agenda, and which is within the jurisdiction of the Council to resolve. Any interested members of the public desiring to communicate with the Commission as part of the Community Forum may do so in person by signing in to the Public Speaker's kiosk located in the back of the Council Chambers or via ZOOM:(<https://ZoomRegular.Cityofvallejo.net>), Option to join by phone: Dial (669) 900-6833. Enter Meeting ID: 914 0075 0676#. Press \* 9 to digitally raise your hand from the phone. Press \*6 to unmute/mute. For additional instructions on how to speak remotely during public comment, please visit, [www.cityofvallejo.net/publiccomment](http://www.cityofvallejo.net/publiccomment). In person speakers will be recognized first. When called upon, each speaker should step to the podium, state his/her name for the record. The conduct of the community forum shall be limited to a maximum of fifteen (15) minutes, with each speaker limited to a maximum of three minutes pursuant to Vallejo Municipal Code Section 2.02.300.*

**5 CONSENT CALENDAR AND APPROVAL OF AGENDA**

**A APPROVAL OF MINUTES**

Recommendation: Approve minutes for the regular meeting of March 12, 2026  
Contact: Andrew Murray, City Manager/Commission Secretary  
[Andrew.Murray@cityofvallejo.net](mailto:Andrew.Murray@cityofvallejo.net)

**6 REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE COMMISSION**

**7 REPORT OF THE CITY COUNCIL LIAISON**

**8 REPORT OF THE SECRETARY**

**9 ATTORNEY'S REPORT**

**10 ACTION CALENDAR**

*NOTICE: Members of the public wishing to address the Commission on Action Calendar Items may do so in person by signing in to the Public Speaker's kiosk located in the back of the Council Chambers or via ZOOM (<https://ZoomRegular.Cityofvallejo.net>), or via phone, by dialing (669) 900-6833. Enter Meeting ID: 914 0075 0676#. Press \*9 to digitally raise your hand from the phone. Press \*6 to unmute/mute. For additional instructions on how to speak remotely during public comment, please visit, [www.cityofvallejo.net/publiccomment](http://www.cityofvallejo.net/publiccomment). Each speaker is limited to five minutes pursuant to Vallejo Municipal Code Section 2.02.420 or as approved and announced by the Chair. In person speakers will be recognized first.*

- A DISCUSSION AND POTENTIAL RECOMMENDATION TO STAFF REGARDING THE VALLEJO POLICE DEPARTMENT'S REVISED PERSONNEL COMPLAINTS POLICY 1011**  
Recommendation: Discuss and potentially provide advice and recommendations to staff regarding the draft revised Vallejo Police Department Personnel Complaints Policy.  
Contact: Bobby Knight, Deputy Chief of Police (707) 917-4120  
[bobby.knight@cityofvallejo.net](mailto:bobby.knight@cityofvallejo.net)
- B REVIEW AND ADOPT A RESOLUTION PROVIDING ADVICE AND RECOMMENDATIONS ON NEW POLICE DEPARTMENT POLICIES 1036 FACIAL COVERINGS AND 1037 VISIBLE DISPLAY OF IDENTIFICATION**  
Recommendation: Adopt resolution providing advice and recommendation regarding two new proposed Vallejo Police Department policies: Facial Coverings Policy and Visible Display of Identification Policy.  
Contact: Bobby Knight, Deputy Chief of Police (707) 917-4120  
[Bobby.Knight@cityofvallejo.net](mailto:Bobby.Knight@cityofvallejo.net)
- C ADOPT A RESOLUTION ESTABLISHING AN AD HOC SUBCOMMITTEE OF THE POLICE OVERSIGHT AND ACCOUNTABILITY COMMISSION (POAC) AND APPOINTMENT OF MEMBERS THERETO TO REVIEW AND PROVIDE INPUT TO THE FULL COMMISSION ON THE QUALIFIED RESPONSES TO THE REQUEST FOR QUALIFICATIONS (RFQ) FOR ASSIGNED ATTORNEY PURSUANT TO VALLEJO MUNICIPAL CODE SECTION 18.03.030B AND 18.03.030C**  
Recommendation: Adopt a resolution establishing an ad hoc subcommittee of the Commission to review qualified responses from law firms interested in serving as the Assigned Attorney for the Commission.  
Contact: Veronica A. F. Nebb, City Attorney (707) 648-4456  
[Veronica.Nebb@cityofvallejo.net](mailto:Veronica.Nebb@cityofvallejo.net)  
Randy Risner, Chief Assistant City Attorney (707) 648-5431  
[Randy.Risner@cityofvallejo.net](mailto:Randy.Risner@cityofvallejo.net)
- D DISCUSSION AND PROVIDE ADVICE AND INPUT TO STAFF REGARDING THE REQUEST FOR PROPOSALS (RFP) FOR AN INDEPENDENT POLICE AUDITOR (IPA), DISCUSSION AND INPUT TO STAFF ON PROCESS FOR REVIEWING QUALIFIED RESPONSES**  
Recommendation: Review the draft request for proposals (RFP) for an Independent Police Auditor (IPA), discuss, and potentially provide advice and input to staff on the RFP and process for review of the responses thereto.  
Contact: Andrew Murray, City Manager/Commission Secretary (707) 648-4576  
[Andrew.Murray@cityofvallejo.net](mailto:Andrew.Murray@cityofvallejo.net)
- E ADOPT A RESOLUTION TO ESTABLISH AN AD HOC SUBCOMMITTEE OF THE POLICE OVERSIGHT AND ACCOUNTABILITY COMMISSION (POAC) AND APPOINTMENT OF MEMBERS TO MAKE RECOMMENDATIONS TO STAFF REGARDING THE POLICE DEPARTMENT COMPLAINT & COMPLIMENT INFORMATIONAL MATERIALS AND COMMUNICATIONS RELATING THERETO**

Recommendation: Adopt Resolution to establish an Ad Hoc Subcommittee to provide recommendations on informational materials and communications and appoint commission members thereto.

Contact: Andrew Murray, City Manager/Commission Secretary (707) 648-4576  
[Andrew.Murray@cityofvallejo.net](mailto:Andrew.Murray@cityofvallejo.net)

## **11 INFORMATION CALENDAR**

NOTICE: Members of the public wishing to address the Commission on Information Calendar Items may do so in person by signing in to the Public Speaker's kiosk located in the back of the Council Chambers or via ZOOM (<https://ZoomRegular.Cityofvallejo.net>), or via phone, by dialing (669) 900-6833. Enter Meeting ID: 914 0075 0676#. Press \*9 to digitally raise your hand from the phone. Press \*6 to unmute/mute. For additional instructions on how to speak remotely during public comment, please visit, [www.cityofvallejo.net/publiccomment](http://www.cityofvallejo.net/publiccomment). Each speaker is limited to five minutes pursuant to Vallejo Municipal Code Section 2.02.420 or as approved and announced by the Chair. In person speakers will be recognized first.

**A UPDATE REGARDING FISCAL YEAR 2025/26 POAC BUDGET**

**B UPDATE REGARDING APPOINTMENT OF YOUTH ALTERNATE MEMBER**

## **12 FUTURE AGENDA ITEMS**

## **13 CLOSED SESSION**

**A PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**

Pursuant to Government Code Section 54957 (b)(1) - Discussion and Consideration of Complaints and Reports. To discuss complaints, charges, investigations, and discipline (unless the employee requests an open public session) involving Vallejo Police Department employees, and information deemed confidential under California Penal Code Sections 832.5-832.8 and Evidence Code Section 1040.

1. Review of Complaints

- a. CC 2026 - 06
- b. CC 2026 - 21
- c. CC 2026 - 22
- d. CC 2026 - 23
- e. CC 2026 - 24
- f. CC 2026 - 25
- g. CC 2026 - 27
- h. CC 2026 - 28
- i. CC 2026 - 29
- j. CC 2026 - 30
- k. CC 2026 - 31
- l. CC 2026 - 32

## **14 REPORT OUT OF CLOSED SESSION**

## **15 ADJOURNMENT**



**ADDITIONAL CITY INFORMATION**

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- Like us on Facebook and Instagram ([@cityofvallejo](#))
- Sign up to receive City Communications via e-mail ([www.cityofvallejo.net/subscribe](http://www.cityofvallejo.net/subscribe))
- Sign up for emergency alerts at: [alertsolano.com](http://alertsolano.com)

I, Dawn G. Abrahamson, City Clerk do hereby certify that I have caused a true copy of the above notice and agenda to be delivered to

John Lewis (District 6), Chair  
Renee Sykes (District 4) Vice Chair  
Rommye Qualls (District. 1)  
Cameron Clark (District 2)  
Richard Hybels (District 3)  
Derek Roy (District 5)  
Naomi Yun (At-Large)  
Melvin Jones (Community Alternate),

at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 1:30 p.m., Friday, April 3, 2026.

Dated: Friday, April 3, 2026



Dawn G. Abrahamson, City Clerk

**POLICE OVERSIGHT AND ACCOUNTABILITY COMMISSION  
MEETING MINUTES - DRAFT**

**REGULAR MEETING  
MARCH 12, 2026**

**Council Chambers  
505 Santa Clara Street, Vallejo, California**

**1. CALL TO ORDER**

The meeting was called to order at 6:31 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**Present:** Commissioners Hybels, Lewis, Qualls, Roy, Sykes, Yun and Alternate Jones

**Absent:** Commissioner Clark

**Staff present:** City Manager Murray and Assistant City Attorney Risner

**4. COMMUNITY FORUM**

**5. CONSENT CALENDAR AND APPROVAL OF THE AGENDA**

**Action:** *Moved by Commissioner Lewis, seconded by Commissioner Yun, and carried unanimously by members present to approve the consent calendar and agenda.*

**A. APPROVAL OF MINUTES**

**Action:** *approved minutes for the regular meeting of February 2, 2026*

**6. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE POLICE OVERSIGHT AND ACCOUNTABILITY COMMISSION**

Commissioners provided reports.

**7. REPORT OF THE CITY COUNCIL LIAISON**

Council Member Lediju provided a report.

**8. REPORT OF THE SECRETARY**

Secretary Murray reported that he will work with the City Clerk to reopen the application period to accept applications for the POAC youth representative.

**9. ATTORNEY'S REPORT**

No report.

## 10. ACTION CALENDAR

### A. UPDATE AND POTENTIAL ACTION REGARDING THE RETENTION OF OUTSIDE COUNSEL

Council Liaison Lediju provided ideas on how to structure the selection process of outside counsel.

**Action:** *Moved by Commissioner Yun, seconded by Commissioner Lewis, and carried unanimously by members present to have a future agenda item to establish an ad hoc subcommittee of the POAC to collaborate with staff on the creation of a request for qualifications (RFQ) and selection process for outside counsel.*

### B. DISCUSSION OF POLICE DEPARTMENT COMPLIMENTS AND COMPLAINTS ONLINE PORTAL AND RELATED PUBLIC INFORMATION AND POTENTIAL DIRECTION TO STAFF

Commissioners shared thoughts on the compliments and complaints online portal and related public information.

**Action:** *Moved by Commissioner Lewis, seconded by Commissioner Roy, and carried unanimously by members present to have a future agenda item to establish an ad hoc subcommittee of the POAC to make recommendations regarding the complaint form, related processes, and related educational materials.*

### C. DISCUSSION AND POTENTIAL ACTION ON UPDATED POLICE DEPARTMENT POLICIES

Deputy Chief Knight noted that City staff are expecting to create a standard workflow for the POAC's review and potential recommendations on revised and new Police Department policies with the assistance of Rania Adwan, after she is onboarded. Staff noted its intention to bring three policies to the April 2026 regular POAC meeting. Per Commission direction, staff agreed to endeavor to provide copies of revised and new policies that would be reviewed by POAC to the Commission three weeks prior to the POAC meeting, and to provide the policies to the public, by posting them on the City website, on the same timeline.

## 11. INFORMATION CALENDAR

### A. UPDATE REGARDING THE FISCAL YEAR 2025/26 POAC BUDGET

Secretary Murray noted that the City Council did not approve the midyear funding request for the Fiscal Year 2025/26 POAC budget, but expected staff to again request that Council approve some midyear funding recommendations, including the POAC budget.

### B. UPDATE REGARDING THE SELECTION OF AN INDEPENDENT POLICE AUDITOR

Secretary Murray noted that City staff created a draft request for proposals (RFP) for an Independent Police Auditor (IPA) and circulated it to POAC members for feedback. Staff

incorporated POAC members' feedback into a revised draft RFP as staff deemed appropriate.

### **C. UPDATE REGARDING THE ENGAGEMENT OF RANIA ADWAN**

Secretary Murray noted that City staff are awaiting a draft scope of work from Ms. Adwan and the scheduling of a meeting between Ms. Adwan and the Chair and Vice Chair to discuss potential scope of work items. City staff will bring forward a proposed scope of work for POAC's review and recommendations when Ms. Adwan has provided a final proposed scope of work.

### **D. UPDATE REGARDING THE DEVELOPMENT OF POAC INFORMATIONAL MATERIALS**

Secretary Murray noted that the Commission discussed this matter under agenda item 10.B and provided direction to establish an ad hoc subcommittee to address it.

## **12. FUTURE AGENDA ITEMS**

None.

## **13. CLOSED SESSION**

The Commission convened in closed session at approximately 8:42 p.m.

The Commission returned to open session at approximately 10:27 p.m.

Assistant City Attorney Risner reported out the following POAC recommendations from closed session:

- CC 2026-05 – Internal investigation
- CC 2026-07 – Internal investigation
- CC 2026-09 – Internal investigation
- CC 2026-10 – Internal investigation
- CC 2026-11 – Internal investigation
- CC 2026-12 – Internal investigation
- CC 2026-13 – Internal investigation
- CC 2026-14 – Internal investigation
- CC 2026-15 – Internal investigation
- CC 2026-16 – Internal investigation
- CC 2026-17 – Internal investigation
- CC 2026-18 – Internal investigation
- CC 2026-19 – Internal investigation
- CC 2026-20 – Internal investigation

## **14. ADJOURNMENT**

The meeting adjourned at 10:30 p.m.

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JOHN LEWIS, CHAIR

ATTEST:

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ANDREW MURRAY  
CITY MANAGER



**DATE:** April 9, 2026  
**TO:** Mayor and Members of the City Council  
**FROM:** Bobby Knight, Deputy Chief of Police  
**SUBJECT:** **DISCUSSION AND POTENTIAL RECOMMENDATION TO STAFF REGARDING THE VALLEJO POLICE DEPARTMENT'S REVISED PERSONNEL COMPLAINTS POLICY 1011**

**RECOMMENDATION**

Discuss and potentially provide advice and recommendations to staff regarding the draft revised Vallejo Police Department Personnel Complaints Policy.

**BACKGROUND AND DISCUSSION**

Vallejo Municipal Code section 18.03.050 requires that the Police Oversight and Accountability Commission ("Commission") review all new and revised Vallejo Police Department policies and provide advice and recommendations.

The Commission held a special meeting on March 30, 2026 to receive a presentation from City staff on the Police Department's draft revised Personnel Complaints Policy and receive community input. The agenda packet for the March 30, 2026 meeting, which contains a staff report, copy of the current Personnel Complaints Policy, copy of the draft revised Personnel Complaints Policy, and some related materials, is attached.

Staff will present a summary at the April 9, 2026 Commission meeting of comments provided by Commissioners and members of the public at the March 30, 2026 special meeting.

**FISCAL IMPACT**

There is no fiscal impact directly related to the Commission providing advice and recommendations regarding the draft revised Personnel Complaints Policy.

**ENVIRONMENTAL REVIEW**

**ATTACHMENTS**

|    |                             |
|----|-----------------------------|
| 1. | 03.30.26 POAC Agenda Packet |
|----|-----------------------------|

**CONTACT**

Bobby Knight, Deputy Chief of Police (707) 917-4120  
[bobby.knight@cityofvallejo.net](mailto:bobby.knight@cityofvallejo.net)



**POLICE OVERSIGHT &  
ACCOUNTABILITY COMMISSION  
SPECIAL MEETING**

**MARCH 30, 2026**

**COMMISSIONERS**


John Lewis (District 6), Chair  
 Renee Sykes (District 4) Vice Chair  
 Rommye Qualls (District. 1)  
 Cameron Clark (District 2)  
 Richard Hybels (District 3)  
 Derek Roy (District 5)  
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**HYBRID MEETING**

[www.Cityofvallejo.net](http://www.Cityofvallejo.net)

**6:30 PM**

Vallejo Room (JFK Library - Lower Level)  
 505 Santa Clara Street  
 Vallejo, CA 94590

|  |   |
|--|---|
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## **AGENDA**

TO THE MEMBERS OF THE POLICE OVERSIGHT & ACCOUNTABILITY COMMISSION:

You are hereby notified that I hereby call the Police Oversight & Accountability Commission in special session to consider only the matters stated on the agenda listed below. NOTICE: Members of the public shall have the opportunity to address the Commission concerning any item listed on the agenda before or during consideration of that item. No other items may be discussed at this special meeting

**1 CALL TO ORDER**

**2 PLEDGE OF ALLEGIANCE**

**3 ROLL CALL**

**4 CONSENT CALENDAR AND APPROVAL OF AGENDA**

**5 ACTION CALENDAR**

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**A RECEIVE A PRESENTATION ON THE VALLEJO POLICE DEPARTMENT'S REVISED PERSONNEL COMPLAINTS POLICY 1011; TAKE PUBLIC INPUT; PROVIDE ADVICE AND RECOMMENDATIONS CONCERNING SAID POLICY**

Recommendation: Receive the staff report and presentation regarding the revised Personnel Complaint Policy 1011, take public input and feedback and provide feedback and/or a recommendation to the Chief of Police relating to same.

Contact: Bob Knight, Deputy Chief of Police (707) 917-4120  
[bobby.knight@cityofvallejo.net](mailto:bobby.knight@cityofvallejo.net)

**6 INFORMATION CALENDAR**

**7 ADJOURNMENT**

**ADDITIONAL CITY INFORMATION**

Members of the public can:

- Like us on Facebook and Instagram ([@cityofvallejo](#))
- Sign up to receive City Communications via e-mail ([www.cityofvallejo.net/subscribe](http://www.cityofvallejo.net/subscribe))
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I, Dawn G. Abrahamson, City Clerk do hereby certify that I have caused a true copy of the above notice and agenda to be delivered to

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Renee Sykes (District 4) Vice Chair  
Rommye Qualls (District. 1)  
Cameron Clark (District 2)  
Richard Hybels (District 3)  
Derek Roy (District 5)  
Naomi Yun (At-Large)  
Melvin Jones (Community Alternate),

at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 8:45 a.m., Thursday, March 26, 2026.

Dated: Thursday, March 26, 2026



Dawn G. Abrahamson, City Clerk



**DATE:** March 30, 2026  
**TO:** Chair and Police Oversight & Accountability Commissioners  
**FROM:** Bob Knight, Deputy Chief of Police  
**SUBJECT:** **RECEIVE A PRESENTATION ON THE VALLEJO POLICE DEPARTMENT'S REVISED PERSONNEL COMPLAINTS POLICY 1011; PROVIDE ADVICE AND RECOMMENDATIONS CONCERNING SAID POLICY**

### **RECOMMENDATION**

Receive the staff report and presentation regarding the revised Personnel Complaint Policy 1011 and provide feedback and/or a recommendation to the City for adoption.

### **REASONS FOR RECOMMENDATION**

Vallejo Municipal Code section 18.03.0500 requires that the Police Oversight and Accountability Commission review all new and revised VPD policies and provide advice and recommendations.

### **BACKGROUND AND DISCUSSION**

This report presents a revised Personnel Complaint Policy for the Vallejo Police Department. The update is a result of police reform efforts in the City's settlement agreement and reflects extensive collaboration with the California Department of Justice and the Vallejo Evaluation Team. The revised policy is intended to enhance transparency, accountability, and consistency in the handling of personnel complaints.

The Vallejo Police Department's current Personnel Complaint Policy has historically governed the intake, investigation, and disposition of complaints made against department personnel. While the existing policy has provided a foundational framework for addressing complaints, it has evolved incrementally over time and was determined to be in need of an update. Additionally, changes in state law, evolving best practices, and increased emphasis on procedural justice have highlighted the need for a comprehensive policy update.

### **POLICY DEVELOPMENT PROCESS**

The revised Personnel Complaint Policy was developed through a collaborative and iterative process involving multiple stakeholders.

Key contributors included:

- The California Department of Justice, which provided guidance to ensure alignment with state laws and best practices
- The Vallejo Evaluation Team, which offered independent review and technical assistance
- City staff and Vallejo Police Department leadership
- Impacted City labor groups

The process included multiple rounds of review, feedback, and revision to ensure the policy is comprehensive,

**Subject: RECEIVE A PRESENTATION ON THE VALLEJO POLICE DEPARTMENT'S REVISED PERSONNEL COMPLAINTS POLICY 1011; PROVIDE ADVICE AND RECOMMENDATIONS CONCERNING SAID POLICY**

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practical, and consistent with both legal requirements and community expectations.

**KEY FEATURES OF THE REVISED POLICY**

**Big Picture Shift**

- Old policy focused on internal processes for handling complaints.
- New policy emphasizes accountability, transparency, and public trust.
- Clear expectation that investigations must be fair, consistent, and evidence-based.

**Stronger Rights for the Public**

- Complaints can be filed by anyone, including anonymously or on behalf of others.
- Multiple ways to file: online, phone, email, in person.
- Materials available in multiple languages.
- Complainants can update or correct their statements after filing.

**Zero Tolerance for Discouraging Complaints**

- Officers cannot refuse or discourage complaints.
- Retaliation, intimidation, or interference is explicitly prohibited.
- Violations can result in discipline, including termination.

**Clearer Definition of Misconduct**

- Misconduct categorized as General or Serious.
- Serious misconduct explicitly includes excessive force, bias/discrimination, dishonesty, and failure to intervene.
- Greater clarity reduces ambiguity and strengthens accountability.

**Higher Standards for Investigations**

- Findings must be based on 'preponderance of evidence' (more likely than not).
- Investigations must consider all evidence equally and resolve inconsistencies.
- Witness interviews and evidence collection are more structured and standardized.

**Centralized Oversight (Professional Standards Division)**

- All complaints are reviewed and tracked by a central unit (PSD).
- PSD ensures consistency, quality control, and proper classification of cases.
- Reduces risk of bias or inconsistent handling across supervisors.

**Tracking, Data, and Transparency**

- All complaints are logged in a tracking system with case details and outcomes.
- Data includes timelines, demographics, and findings.
- Annual reporting identifies patterns and trends for improvement.

**Improved Communication with Complainants**

- Initial contact within a few days of filing.
- Regular updates (at least monthly) during the investigation.
- Ensures transparency and reduces uncertainty for complainants.

**Investigations Continue Regardless of Withdrawal**

- Cases cannot be closed simply because a complainant withdraws.
- Ensures serious allegations are still investigated fully.

**Subject: RECEIVE A PRESENTATION ON THE VALLEJO POLICE DEPARTMENT'S REVISED PERSONNEL COMPLAINTS POLICY 1011; PROVIDE ADVICE AND RECOMMENDATIONS CONCERNING SAID POLICY**

**Stronger Accountability and External Reporting**

- Serious misconduct must be reported to state oversight (POST).
- Additional oversight ensures accountability beyond the department.
- Clearer consequences for violations, including potential removal from service.

**Bottom Line**

- The old policy focused on handling complaints internally.
- The new policy is designed to ensure fairness, transparency, and accountability.
- Overall goal: rebuild and maintain public trust through a more rigorous and open process.

**IMPLEMENTATION STEPS**

Following review and feedback from the POAC, the remaining steps for implementation include:

1. Community town hall presentation of Policy 1011 on April 30, 2026 @ 6pm
2. Combine and review POAC and community recommendations/feedback
3. Final review and approval by CALDOJ and Vallejo Evaluator Team
4. Re-engaged labor group(s) on any changes
5. Department-wide training on the revised policy
6. Implementation of policy into departmental policy manual
7. Ongoing monitoring and periodic review to ensure effectiveness and compliance

**ROLE OF THE POAC UNDER MUNICIPAL CODE**

Pursuant to Title 18 of the Vallejo Municipal Code, the Police Oversight and Accountability Commission (POAC) plays a critical role in the oversight of personnel complaint processes.

Section 18.03.050 Commission powers, duties and functions states:

*(O.) To review, advise and provide recommendations regarding any new Police policy or concerning any modification or revision of any such policy and to independently propose new policies in their discretion. The Chief of Police shall submit all proposed new policies or revisions to existing policies to the Commission for review before implementation of said policies or revisions. The Commission shall provide its advice and recommendation to the Chief of Police within 45 days of the submission of any new or revised policy. If the Chief of Police receives no recommendation from the Commission concerning the proposed policy or revision within the 45-day time frame, the Chief may move forward with implementation. This requirement shall not apply to Special Orders of the Chief of Police which may be implemented without a recommendation from the Commission. Notwithstanding the foregoing sentence, the Chief of Police shall not use Special Orders to circumvent the policy-review provisions set forth herein. If a Special Order has been in existence for more than six (6) months, the Chief of Police shall seek a review and recommendation from the Commission concerning the Special Order;*

**Subject: RECEIVE A PRESENTATION ON THE VALLEJO POLICE DEPARTMENT'S REVISED PERSONNEL COMPLAINTS POLICY 1011; PROVIDE ADVICE AND RECOMMENDATIONS CONCERNING SAID POLICY**

**CONCLUSION**

The revised Personnel Complaint Policy represents a significant step forward in modernizing the City of Vallejo's approach to police accountability. Developed in collaboration with key oversight partners and aligned with settlement agreement requirements, the policy is designed to promote transparency, consistency, and public trust.

Staff recommends that the POAC review the policy and provide feedback to support its finalization and implementation.

**FISCAL IMPACT**

There is no immediate fiscal impact associated with the adoption of this policy. Potential future costs may include training, system updates, and administrative support associated with enhanced reporting and oversight requirements.

**ENVIRONMENTAL REVIEW**

**ATTACHMENTS**

|    |  |
|----|--|
| 1. | Policy 1011 Personnel Complaints.POST VN Discussion 03192026 V2 Final Edits VET SS VN DRAFT WM |
| 2. | Personnel_Complaints w.Watermark   |
| 3. | Complaint ComparisonJB031926   |
| 4. | Vallejo_Complaints_Policy_Key_Changes  |

**CONTACT**

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## Personnel Complaints

### 1011.1 PURPOSE AND SCOPE

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

The purpose of this policy is to improve the quality of law enforcement services to the community through an equitable complaint process. The Department acknowledges the value of public trust, which is created and maintained through a consistent, factual, prompt, and impartial complaint and investigation process.

The Vallejo Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members. The Department will accept and investigate all complaints of misconduct by its members with courtesy and without delay. Such investigations will be conducted in accordance with this policy and applicable federal, state, and local laws, municipal and county rules, and the requirements of any collective bargaining agreements.

### 1011.2 POLICY

All allegations of personnel misconduct will be received and documented, fully and impartially investigated, and a disposition shall be based on a preponderance of the evidence.

All personnel who commit misconduct will be held accountable in accordance with a disciplinary system that is fair and consistent.

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

Members shall not interfere with, hinder, obstruct, or unnecessarily delay the filing of a complaint. The refusal to accept a complaint, discouraging the making of a complaint, or providing false or misleading information about a complaint's contents or filing date, shall be grounds for discipline. All forms of retaliation, interference, intimidation, coercion, or adverse action against any person because that person indicates they would like to make a complaint, reports misconduct, attempts to make or makes a misconduct complaint, or cooperates with an investigation, are strictly prohibited. For purposes of this policy, "adverse action" means any action that would dissuade a reasonable person from making a complaint or cooperating with the subsequent investigation.

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Personnel named as subjects of a complaint shall not contact the complainant regarding the complaint. Personnel are strictly prohibited from any act of retaliation in response to any complaint. A violation of this section is grounds for discipline, up to and including termination.

### **1011.3 DEFINITIONS**

**Complaint** - For the purposes of this policy, complaint means either of the following:

Complaint means either of the following:

- a. any issue brought to a department or agency where the complainant perceives that a department or agency employee engaged in criminal conduct, abusive or discriminatory behavior, inappropriate or discourteous conduct, or violation of any law, rules, regulations and policies of the department; or
- b. disagreement solely with the policies, procedures, or services of the department and not with the performance of any personnel.

**Discipline** – a general term that encompasses both corrective and punitive actions.

**Corrective Actions** – verbal counseling, remedial training, performance improvement plan (PIP), and/or supervisor log entry.

**Punitive Actions** – written reprimand, suspension without pay, punitive transfer, demotion, reduction in pay or step, and/or termination from employment.

**Preponderance of the Evidence** – an allegation or fact that is more likely true than not true. The preponderance of evidence is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence.

### **1011.3.1 MISCONDUCT CATEGORIES**

Misconduct can be broadly categorized as either General or Serious Misconduct. The recommended discipline associated with a sustained violation of each category can be found in the Department's Discipline Guidelines.

**General Misconduct** is misconduct that includes but is not limited to:

1. Violation of Department policy or procedure;
2. Poor or inadequate service;
3. Rude or unprofessional conduct;
4. Use of improper language; and/or
5. Discourteous operation of a Department vehicle.

**Serious Misconduct** is misconduct which includes, but is not limited to:

- a. Dishonesty;

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- b. Abuse of power;
- c. Excessive or unreasonable use of force;
- d. Any act which may constitute the commission of a misdemeanor or felony crime, whether committed on or off duty;
- e. Sexual assault; as defined under 832.7(b)(1)(B)
- f. Failure to intercede when present and observing another officer using force that is clearly beyond that which is necessary;
- g. Insubordination;
- h. Participation in a “law enforcement gang”;
- i. Failure to cooperate with a misconduct investigation;
- j. Member(s) under the influence of intoxicants while on-duty;
- k. Any discrimination, bias, oppression, and/or harassment against any person through any means, including but not limited to verbal statements, writings, online posts, recordings, actions and/or gestures, involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, housing status, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status; and/or
- l. Participation or membership in a hate group, as defined in Penal Code § 13680.

### 1011.3.2 COMPLAINT INVESTIGATION CLASSIFICATIONS

To ensure that all personnel complaint investigations are thorough, fair, and resolved in a timely and appropriate manner, the Professional Standards Division (PSD) shall serve as the central coordinator and quality control hub for all complaint classification, investigation, disposition of, and review processes, even for those cases not requiring a full administrative investigation.

Personnel complaints are typically received and documented by supervisors. Complaints received by any member shall be directed to the appropriate supervisor. A supervisor receiving a complaint shall classify and address the complaint based on the following standards:

**Formal** – A complaint that, if true, would likely result in punitive action (dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment, as defined in Government Code section 3303). The PSD is generally responsible for these matters. However, at the direction of the PSD Commander, an investigation may be reassigned to any supervisor or manager of a higher rank to investigate based on the severity and complexity of the allegation(s).

**Informal** – A supervisor may handle a complaint informally with the approval of a Watch Commander or Bureau Commander when:

- a. The allegation is of a minor nature that, if true, would likely result in corrective action (counseling, supervisor log entry, Performance Improvement Plan (PIP) or training). Generally, this type of complaint will be an allegation of general misconduct.

or

- b. The allegation is such that there is no reasonable basis for believing that any misconduct occurred (i.e., review of body-worn camera which clearly disproves the allegation).

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An informal complaint will not result in punitive action but may result in corrective action. PSD will review every complaint to ensure the accuracy of the complaint classification and the appropriateness of any corrective actions. Nothing in this order shall prevent PSD or some higher authority from determining that a formal investigation is warranted.

**Public Inquiry** – A matter that if true, would not violate Department policy or federal, state, or local law. This type of complaint will often stem from a misunderstanding of or disagreement with the law, a Department policy, procedure, capability, or tactic.

All complaints, regardless of classification or intake method, will be documented and logged using the Department IA software application platform. If during the course of investigating a complaint under 1011.3 b., conduct is discovered that could be the basis of a complaint under Section 1011.3a., the investigator shall report this conduct to a supervisor, which should be logged, tracked, and investigated separately from the original complaint.

### **1011.3.3 SOURCES OF COMPLAINTS**

- Complaints shall be accepted from any source, including but not limited to: VPD members, minors, parents or guardians filing on behalf of minor dependents, third-party complainants (e.g. witnesses to misconduct against another person), or anonymously even if the complainant is unable to identify the member's name or badge number.
- All complaints received about VPD member misconduct shall be accepted and investigated, whether submitted verbally, in writing, in person, by phone, email, electronically through the Department website, or through TTY/TDD (Telecommunications Device for the Deaf) or facsimile.
- A complainant shall be requested to make their complaint in writing. Nevertheless, a complaint will be accepted in any form.
- Any Department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- Supervisors shall initiate a complaint based upon observed misconduct of a Department member or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- Tort claims and lawsuits are submitted to the VPD via the City Clerk's office and will be evaluated by PSD for policy violations that may generate an administrative investigation.

### **1011.4 AVAILABILITY OF WRITTEN INVESTIGATION PROCEDURES AND COMPLAINT FORMS**

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

Personnel complaint/commendation forms and informational materials, including brochures and posters, shall be made available at the appropriate City properties, including, at a minimum, Department facilities open to the public and on the VPD website. The form will be used to document both complaints and compliments for exemplary member performance. The Department shall make a concerted effort to provide these materials to including law enforcement oversight groups such as the Police Oversight Accountability Commission and the Chief's

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Advisory Board.

The complaint brochure and form explaining the complaint/compliment procedures shall be made available in Spanish and Tagalog or any other language that the city is required to provide to voters during an election.

The receiving officer of a complaint shall make a reasonable effort to provide appropriate translation services for other languages. (See Policy, Limited English Proficiency Services)

[See attachment: Personnel Complaint/Compliment Form.pdf \(new Personnel Compliment/Complaint attached\)](#)

### **1011.4.1 ACCEPTANCE**

The Department will investigate every allegation of misconduct even if an allegation is not specifically articulated as such by the complainant. All complaints will be courteously accepted by any Department member and given to the appropriate supervisor as soon as possible. Complaints may also be accepted at the City Manager's Office, City Attorney's Office, Human Resources or POAC.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary. A complaint may also be filed electronically, orally, either in person by telephone, or any other way detailed in this policy. If a complainant requests to make an oral complaint, the supervisor shall offer the option of audio recording the complaint in addition to writing the complaint.

The refusal to accept a personnel complaint, discouraging the filing of a complaint, or providing false or misleading information about filing a complaint shall be grounds for discipline, up to and including termination.

Complaints received by any member shall be directed to the appropriate supervisor. If a supervisor is not immediately available to take a complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall accept and document the complaint.

The Department shall release to the complaining party a copy of the complaining party's own statements at the time the complaint is filed. (Penal Code Section 832.7(c)). The complaining party may subsequently add or correct their statement. A copy of the supplemental information shall be released to them.

### **1011.4.2 HATE GROUP ACTIVITY COMPLAINTS AGAINST PEACE OFFICERS**

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy. Additionally, if there is any allegation that an officer has, in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate, the Department shall investigate the allegation. (Penal Code § 13682(a)).

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The Department shall remove from appointment as a peace officer any peace officer against whom a complaint described in Penal Code § 13682(a) is sustained (Penal Code § 13682(b)).

### **1011.5 SUPERVISOR RESPONSIBILITIES**

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation and follow the below steps. Failure of a supervisor to follow this policy shall be referred to the supervisor's Division Commander for appropriate action.

The responsibilities of supervisors investigating a complaint include but are not limited to:

- (a) Ensuring that upon receiving or initiating any complaint, the complaint is properly documented and/or entered into the Department's Internal Affairs (IA) tracking system.
  - 1. The complaint and all associated documents will be directed to IA, which will take appropriate action and/or determine who will have responsibility for the investigation.
  - 2. In circumstances where the integrity of the investigation could be compromised by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall report the matter to the member's Division Commander or the Chief of Police.
- (b) Responding to all complainants in a timely, courteous, and professional manner.
  - 1. Follow-up contact with the complainant should be made within 2 business days of the Department receiving the complaint.
- (c) Resolving those personnel complaints that can be resolved immediately based on the complaint classification, as described in Complaint Investigation Classifications, and entering the information about the resolved complaint in the IA tracking system.
- (d) Ensuring that upon receipt of a complaint involving allegations of serious misconduct, the appropriate commander and the Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the appropriate Division Watch Commander for direction in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Investigating a complaint as follows:
  - 1. Making reasonable efforts to obtain names, addresses, and telephone numbers of witnesses and documenting those efforts.
  - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (g) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (h) Ensuring interviews of the complainant are generally conducted during reasonable hours.

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### 1011.5.1 ADMINISTRATIVE INVESTIGATION

When any member, as defined in Government Code § 3301, is under investigation for misconduct and subjected to questioning about their conduct by their commanding officer or another member of the Department that could lead to punitive action, the interview shall be conducted under the following conditions (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours, and preferably when the member is on duty, unless the seriousness of the investigation requires otherwise. If the member is off duty, they shall be compensated for their time in accordance with regular department procedures.
- (b) Unless waived by the member, interviews of an accused member shall be at the Vallejo Police Department or other reasonable and appropriate place.
- (c) All questions directed to the member under interrogation shall be asked by and through no more than two interrogators at one time.
- (d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank, and command of the officer in charge of the investigation, the interviewing officers, and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period and the member's personal needs shall be accommodated.
- (f) No member shall be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
  - 1. Pursuant to Government Code 3303(h), a member shall be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and shall take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
  - 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor, except as provided by Government Code § 3303(f).
- (h) The interviewer shall audio record all interviews of members and member witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
- (i) All members who are the subject of any internal affairs investigation, have the right to have a representative present during the interview. However, to maintain the

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integrity of a statement, the chosen representative cannot be a witness or involved member, and the member shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

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

### 1011.5.2 ADMINISTRATIVE INVESTIGATION PROCEDURES AND EXPECTATIONS

All investigations of complaints, including administrative approval and review, shall be as thorough as necessary to reach reliable and complete findings. The investigation shall address all substantive issues raised by the reporting party. The investigator shall consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations based upon that evidence.

- a. Investigator(s) shall not use leading questions when interviewing members.
- b. Members who are the focus of the investigation will not be permitted to submit a written statement in lieu of an interview with investigators.
- c. Automatic preference will not be given for a member's statement over a non-member's statement, nor shall an investigator disregard a witness's statement merely because the witness has some connection to the complainant or because of any criminal history.
- d. The investigator shall make efforts to resolve material inconsistencies between witness statements.
- e. The investigator shall seek to identify and document all persons at the scene of an event giving rise to a misconduct allegation and determine if they are a witness or not. If the member was not involved or did not witness the event, that will be noted in the report. The investigator shall conduct further investigation of any such assertions that appear unsupported by the evidence.
- f. The investigator will make all reasonable efforts to separate and interview all witnesses and any other person at the scene giving rise to the misconduct allegation.
- g. All witnesses, including members identified by the investigator(s) as witnessing or involved in an event associated with a complaint, but not the subject of the complaint, shall provide either a written statement regarding their involvement in and/or observations of the incident, or be interviewed in accordance with this policy.
- h. An interpreter not involved in the underlying incident will be used when taking statements or conducting interviews of any Limited English Proficiency (LEP) complainant or witness.
- i. All member witnesses and subjects of an administrative investigation will be admonished not to discuss the issues underlying the investigation with others, and especially with witnesses to the events. This admonishment excludes a labor group representative or attorney during the pendency of the investigation. Once the investigation is complete, the

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admonishment is lifted.

- j. If the investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall investigate that misconduct in accordance with this policy.

### 1011.6 DOCUMENTATION AND TRACKING

Supervisors shall ensure that all complaints are documented and that the nature of the complaint is defined as clearly as possible.

Personnel complaints and internal administrative investigations shall be entered into the tracking software. The tracking software assigns a tracking number for each entry and will track the type of complaint, outcome, and demographic data for the complainant and involved member(s).

The tracking software records the following information as part of all complaint investigations:

1. PSD case number
2. Date case received
3. Accused member(s)
4. Witness member(s)
5. Criminal allegation(s) – assigned criminal investigator
6. Administrative allegations
7. Tolling dates: start and end
8. Reason(s) for tolling (i.e. criminal investigation, member unavailable, trial, etc.)
9. Case status (i.e. active administrative, criminal trial pending, member unavailable, closed, etc.)
10. Case disposition
11. Officer / Complainant demographics
12. Notes

This policy requires the interview of all subject members in administrative investigations. All attempted or completed member interviews will be logged and tracked. If the member cannot be interviewed, this information will be logged and tracked into the database with an explanation describing the circumstances of the incomplete interview.

#### 1011.6.1 PROFESSIONAL STANDARDS DIVISION (PSD) NOTIFICATION PROCESS

The following will be the responsibility of the Professional Standards Division (PSD) upon notification of an allegation of misconduct.

- a. Confirmation that a complaint has been received by PSD. Confirmation can be made by email and/or a follow-up telephone call to the complainant.
- b. The complaint will be entered into tracking software and a member of PSD will attempt to contact the complainant within **5** business days.
- c. The assigned investigator will contact the complainant at a minimum once every 30 days to provide a case status update until the case is completed (see Completion of Investigations, for additional tolling limits).

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**1011.6.2 NO CONFLICT ATTESTATION**

To ensure that fair and impartial investigations are conducted, supervisors at the scene of the event, involved in the circumstances of the event, who have any conflict of interest that would impede their ability or judgment, or who are currently or have been scheduled to represent a member connected to the event will not have any investigative role in the administrative investigation.

- a. Each lead investigator will complete a No Conflict Attestation Form (PSD Form 2-2022-10) or a digital acknowledgment in the Department's IA software application platform before case assignment. If a conflict of interest exists, an alternate investigator will be assigned as lead. All investigations require a No Conflict Attestation or a digital acknowledgment.

See attachment: VPD No Conflict Attestation Final.PDF

**1011.6.3 ADMINISTRATIVE INVESTIGATION FORMAT**

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

- (a) **Background:**
  1. A statement of acknowledgment and understanding of the Department Personnel Complaint Policy.
  2. A declaration confirming completed IA training.
  3. A no conflict attestation statement.
  4. A description of the process by which the complaint was received.
- (b) **Summary:**
  1. A general event summary, allegations, main facts of the case.
  2. A list of the members on scene.
- (c) **Witness Statements**
- (d) **Member Statements**
- (e) **Additional Information** - Actions taken or information received outside of the witness or member statements or attached documents or files.
- (f) **Conclusions** - based on the facts of the case highlighting both the inculpatory and exculpatory evidence and using the preponderance of the evidence standard.
- (g) **Potential Policy Violation(s)** - List each potential policy violation and the corresponding facts.
- (h) **Attachments** - List sources of information attached to the report (e.g., criminal reports, written complaint, dispatch records).
- (i) **In File** - A list of all sources of information to be maintained in the file (e.g., recordings, photos, IA-related forms).

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### **1011.6.4 PSD INVESTIGATIVE CHECKLIST**

To ensure that investigations are thoroughly completed in a timely manner, a standardized investigation procedure will be performed. This procedure will include, but is not limited to, investigative actions listed in the Professional Standards Checklist, such as interviewing all subjects and witnesses (for witness member it could include interviews or statements) and adherence to timelines.

The VPD has established investigative responsibilities and associated deadlines for investigative tasks. This Professional Standards Investigation Checklist outlines investigative steps that will be performed with deadlines for each phase. It serves to promote consistency within and between investigations, enhancing public trust and legitimacy. If the investigation is complex or other variables require a deviation from established deadlines, such as requiring more investigative resources or time exceeding deadlines, an explanation and approval will be required by the PSD Commander.

[See attachment: PSD Investigative Checklist 041824.pdf.](#)

### **1011.6.5 DISPOSITIONS**

Each personnel complaint shall be investigated as to each substantive allegation using the preponderance of the evidence standard and be classified with one of the following dispositions:

- (a) **Unfounded** - When the investigation clearly established that the allegation is not true (Penal Code § 832.5(d)(2)).
- (b) **Exonerated** - When the investigation clearly established that the actions of the member that formed the basis for the complaint are not violations of law or Department policy. (Penal Code § 832.5(d)(3)).
- (c) **Not sustained** - When the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation in the complaint (Penal Code § 13012(B)(iii)).
- (d) **Sustained** - A final determination by the Department, following an investigation and opportunity for an administrative appeal pursuant to Government Code §§ 3304 and 3304.5, that the actions of the member were found to violate law or Department policy (Penal Code § 832.8).
- (e) **Frivolous** - When the investigation is totally and completely without merit or for the sole purpose of harassing an opposing party. (Penal Code § 832.5(c)).

### **1011.6 COMPLETION OF INVESTIGATIONS**

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

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

Termination of an investigation into a complaint solely on the basis of a complainant's withdrawal of a complaint is prohibited. As long as the nature of the allegations can be sufficiently determined without the assistance of the complainant, the investigation shall proceed and be completed as

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normal.

### **1011.7 ADMINISTRATIVE SEARCHES**

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

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

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

#### **1011.7.1 DISCLOSURE OF FINANCIAL INFORMATION**

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

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

### **1011.8 ADMINISTRATIVE LEAVE**

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

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

#### **1011.8.1 REMOVAL OF DISCIPLINARY ACTIONS FROM PERSONNEL FILE**

Disciplinary actions shall be removed from an employee's personnel file in accordance with applicable federal, state, and local law, the requirements of any collective bargaining agreements, and Policy 1014, Personnel Records.

### **1011.9 CRIMINAL INVESTIGATION**

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

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Any separate administrative investigation may be tolled by or conducted in parallel with the criminal investigation.

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

Members accused of criminal conduct shall be advised of their constitutional rights (Government Code § 3303(h)). Members may be ordered to provide a statement in an administrative investigation conducted by the City of Vallejo. Prior to ordering a member under criminal investigation to provide a compelled administrative statement, the investigator will inform the Chief of Police to determine appropriate action.

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

### **1011.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Administrative review shall ensure that all substantive allegations were identified and investigated, even if the allegation was not specifically articulated by the complainant.

- (a) All completed administrative investigations shall be submitted to the PSD Commander for comment, review, and written approval. The PSD Commander shall ensure that the complaint allegations are recorded accurately in the Department's IA software application platform.
- (b) Completed formal investigations after being reviewed and approved by the PSD Commander shall be forwarded to the Administrative Bureau Commander.
- (c) The Administrative Bureau Commander will review the investigation for completeness and author a memo recommending a disposition or finding as to each allegation and appropriate discipline, if any. The memo shall be routed to the Chief of Police following the chain of command of the accused member.

#### **1011.10.1 PSD COMMANDER RESPONSIBILITIES**

The PSD Commander shall oversee processes and meetings that:

- (a) Review and approve the completed investigation and forward the completed packet to the appropriate Bureau Captain for review and approval.
- (b) Review all letters to complainants prior to the Administrative Analyst sending them. All letters will be uploaded into the tracking software and the PSD Drive.
- (c) Conduct a monthly case status review of each PSD investigation. A PSD Open Case Report shall be completed and or updated to document the following:: review and approval for cases meeting the investigative deadlines, document circumstances for past due cases, give directions to the lead investigator to perform additional investigative steps, and to

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establish new deadlines.

- (d) Review each case monthly as updated in the PSD Open Case Report until all investigation and adjudication and resulting disciplinary or other action is completed. Training, policy, or practice deficiencies identified will be agendaized and discussed at weekly PSD meetings.
- (e) Coordinate with the appropriate personnel to ensure if individual or group training may be required. Document in the PSD Open Case Report, and a memo in the PSD tracking software file, any deficiency identified and any corrective or remedial action taken. The PSD Commander or their designee is responsible for monitoring review and remediation of any deficiencies identified during the review or remediation process, measuring associated outcomes, monitoring adherence to the process, and providing an annual report on all outcomes to the Chief of Police.

### PSD Case Inspections

- (a) Upon subsequent inspections, if deadlines or direction are not achieved, the PSD Commander will take corrective or other remedial action, which may include directing the lead investigator to complete a PSD Investigative Review Memo explaining the circumstances for non-adherence, reassigning the lead investigator, or other remedial or punitive action.
- (b) It shall be the responsibility of the PSD Commander to review all use of force complaints monthly and determine if trends are present that increase the likelihood of force being used in the future.
- (c) Additionally, the PSD Commander will conduct an annual review of the training curriculum for the PSD Officer Interview Questionnaire form and will make updates or changes as necessary.

### Audit Reports

- (a) PSD will prepare an annual report detailing the outcomes of each personnel complaint investigation to ensure PSD adheres to policy. The annual report will also include statistics of discipline issued.
- (b) PSD will submit an annual overview report of the complaints received that assert bias-based policing or racial identity profiling to the Chief of Police through the chain of command. The report shall be reviewed to identify any trends or issues that would inform changes that should be made in training or operations to improve service.
- (c) PSD will produce a bi-annual report showing evidence of remediation recommended by PSD to include training, discipline, and policy adjustment. The annual and bi-annual reports will be uploaded to the VPD webpage.

### **1011.10.2 CHIEF OF POLICE RESPONSIBILITIES**

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

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the case to the Department's Disciplinary Review Panel (DRP). The DRP is comprised of the Professional Standards Division Commander and the Department member's chain of command, which includes their direct supervisor, and each rank above, including the Chief of Police. The panel will review the case and render a disposition and discipline recommendation. The Chief of Police will have the final decision on disposition and discipline.

Discipline decisions will be made using the Department's discipline guidelines (Insert Discipline Guidelines Doc link here). In making this determination, the Chief of Police and/or the DRP shall consider:

- a. the seriousness of the offense;
- b. the impact or potential impact on Department and its members;
- c. the member's work history and acceptance of responsibility; and
- d. the member's prior disciplinary history.

If punitive action is proposed, the Chief of Police or the appointed designee shall provide the member with a pre-disciplinary procedural due process hearing Skelly hearing by providing written notice of the charges, proposed action, and the reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

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

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

### **1011.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT**

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

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### **1011.10.4 NOTICE REQUIREMENTS**

The disposition of any complaint shall be released to the complaining party within 30 days of the final disposition. (Penal Code § 832.7(f)(1)).

Certain records detailed in Penal Code § 832.7(b)(3) shall be available for public inspection upon request if they are associated with a sustained finding involving specific allegations and circumstances, as detailed in Penal Code § 832.7(b). (See Policy 1014, Personnel Records).

### **1011.11 PRE-DISCIPLINE MEMBER RESPONSE (SKELLY HEARING)**

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

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

### **1011.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

If a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

### **1011.13 POST-DISCIPLINE APPEAL RIGHTS**

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

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

During any administrative appeal, evidence that a member has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations

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of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

### 1011.14 PROBATIONARY MEMBERS

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

At-will, probationary members subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest.

There shall be no further opportunity for appeal beyond the liberty interest hearing, and the decision of the Chief of Police shall be final.

### 1011.15 REQUIRED REPORTING TO POST

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
  1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR § 1003.
- (b) Events that could affect an officer's POST certification, such as:
  1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8);
  2. Findings of civilian review boards;
  3. Final dispositions of any investigations; and/or
  4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the Vallejo Police Department based on allegations of conduct by an officer.

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) within the applicable timeframe provided in Penal Code § 13510.9.

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### 1011.15.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Chief of Police or the authorized designee shall report allegations of serious misconduct, as defined by Penal Code § 13510.8, and codified in the California Code of Regulations (Cal. Code Regs., tit. 11, § 1205) (see SERIOUS MISCONDUCT CATEGORIES). The report shall include the following:

- (a) Name of the Department;
- (b) Administrative case number;
- (c) Name, current address, and phone number of the complainant, if available;
- (d) Name, POST ID, current address, and phone number of the involved officer;
- (e) A summary of the alleged misconduct including:
  1. A narrative of the allegations;
  2. Date and time of incidents;
  3. Location of occurrence;
  4. Any witness information, if available; and
  5. Summary of arrest or indictment of involved officer;
- (f) A change in employment status of the involved officer (e.g., administrative leave, suspension, termination); and
- (g) Name and contact information of the assigned investigator

The Chief of Police or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (Cal. Code Regs., tit. 11, § 1207).

Upon completion of the investigation, the Chief of Police or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the officer's service record, as provided by the California Code of Regulations, title 11, section 1207.

### 1011.15.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (Cal. Code Regs., tit. 11, § 1207):

- (a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
  1. The Department shall provide the name of the body conducting the proceeding; and
  2. the status of the proceeding, if known.
- (b) If criminal charges are pending:
  1. The Department shall provide the name of the court having jurisdiction over the criminal charges against the officer; and
  2. the status of the criminal case, if known.

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### **1011.16 PROFESSIONAL STANDARDS CITY CLAIMS REVIEW PROCESS**

The purpose of this policy is to guide the independent review of all claims involving VPD personnel to determine whether misconduct is observed or identify patterns that can be used as opportunities to improve the Department through changes to policy, supervision, or training.

This policy attachment is for use as a guide to the PSD when reviewing city claims submitted to the Department by the City of Vallejo Risk Management Division. This policy attachment will define the role and responsibility for the involved, establish a standardized internal review process, and describe reporting on action items that may come from the claim review.

See attachment: PSD City Claims Review Process 041824.pdf

### **1011.17 TRAINING**

- (a) Officers will receive annual training about proper complaint intake, classification, and investigation techniques. The Department will also provide training about how to accept complaints from individuals who may not be proficient in English.
- (b) All supervisors involved in conducting personnel complaint investigations shall receive annual training on conducting misconduct investigations. This training shall include instruction in the practical application
  1. Investigative skills, including proper interrogation and interview techniques, gathering and objectively analyzing evidence, and data and case management;
  2. The particular challenges of personnel complaint reviews/investigations, including identifying alleged misconduct that is not clearly stated in the complaint or that becomes apparent during the investigation, properly weighing the credibility of both civilian witnesses and members, using objective evidence to resolve inconsistent statements, and the proper application of the preponderance of the evidence standard;
  3. Relevant state, local, and federal law, including state employment law related to officers and the rights of public employees, as well as criminal discovery rules such as those set out in *Garrity v. New Jersey* (1967) 385 U.S. 493, *Lybarger v. City of Los Angeles* (1985) 40 Cal.3d 822, and *Brady v. Maryland* (1963) 373 U. S. 83; and
  4. Department rules, policies, and protocols related to criminal and administrative investigations of alleged member misconduct.
  5. Independent Investigators retained to conduct investigations shall meet the requirements of the Police Oversight and Accountability Ordinance and shall be well versed in the application of items 1 through 4.
- (c) All members responsible for the review of personnel complaint investigations shall receive annual training on reviewing personnel complaint investigations. The training shall include instruction in the practical application of:
  1. Ensuring that all witnesses and accused members are accounted for in the investigation and that they are asked about allegations they may have witnessed

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or in which they were allegedly involved;

2. Ensuring that summarized statements accurately reflect the recorded interviews;
  3. Ensuring that evidence is identified, analyzed, and interpreted in the investigation;
  4. Ensuring any risk-management issues are identified and addressed, such as inadequate policies, insufficient training, inadequate or inoperable safety equipment, and ineffective field supervision;
  5. Determining the appropriate corrective action and/or penalty, when appropriate; and
  6. Relevant state and local laws dealing with conducting personnel investigations and disciplinary actions.
- (d) The Training Manager shall be responsible for Department compliance with the training requirements of this policy. (See Policy 207, Training Policy).

### **1011.18 EVALUATION AND AUDITS**

- (a) The PSD shall conduct an annual audit of complaint intake, classification, investigations, and the adjudication of those matters. The audit will assess whether complaints are accepted and classified consistent with policy, investigations are completed, and complaint dispositions are consistent with a preponderance of the evidence. Audits will be submitted through the chain of command to the Chief for a determination regarding recommendations made and further action required.
- (b) The PSD will regularly assess the effectiveness of the complaint process, including the assignment of cases to the field; analyze the complaints to determine if there is a need for a re-evaluation of existing policies, procedures, or trainings; ensure regular audits of complaint investigations to ensure the quality of those investigations, that summarized statements accurately reflect recorded interviews, and that standards are being met.

#### **1011.18.1 TRANSPARENCY**

The Department will publish an annual report of personnel complaint data that reflects the categories of complaints received, including complaints detailing allegations of racial and/or identity profiling, and the final disposition of those complaint investigations that have been completed, as well as the number of any complaint investigations still pending (see PSD Commander Responsibilities). The report will be made available to the public on the Department's public website after being approved by the Chief of Police. This report will reflect data for the preceding calendar year and will be released by April 1 of each year.

Note: Policy 1011 does not include language regarding the POAC or POAC role in complaints. Complaints addressed in the POAC Ordinance (Vallejo Municipal Code Title 18) are governed by that Ordinance upon the applicability thereof.

Note: Where provisions of this policy conflict with provisions of the IBEW and CAMP MOUs or City Policy (including Administrative Rules, Civil Service Rules, etc.) those provisions and policies shall supersede any provisions in Policy 1011 as related to IBEW and CAMP members who are employed in the Vallejo Police Department.

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## 1011.1 PURPOSE AND SCOPE

State MODIFIED

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

### 1011.1.1 SUBJECT PERSONNEL

Agency Content

Personnel named as subjects of citizen complaints shall not contact the complainant regarding such complaint, except as directed by competent authority. Personnel are strictly prohibited from any act of retaliation in response to any citizen complaint. A violation of this section is subject to discipline, up to and including termination.

## 1011.2 POLICY

Best Practice

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

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

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

## 1011.3 PERSONNEL COMPLAINTS

Best Practice

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

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

### 1011.3.1 COMPLAINT CLASSIFICATIONS

Best Practice MODIFIED

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

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- (a) **Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Internal Affairs Unit, depending on the seriousness and complexity of the investigation.
- (b) **Inquiry Resolution** - A matter that if true, would not violate department policy or federal, state or local law.

### 1011.3.2 SOURCES OF COMPLAINTS

Best Practice **MODIFIED**

The following applies to the source of complaints:

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

### 1011.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

Best Practice **MODIFIED**

Personnel complaint forms will be maintained in a clearly visible location in the public area of the department and be accessible through the department website.

[See attachment: Citizen Complaint Form.pdf](#)

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

#### 1011.4.1 ACCEPTANCE

State

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

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

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7).

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### 1011.4.2 AVAILABILITY OF WRITTEN PROCEDURES

**State**

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

### 1011.4.3 HATE COMPLAINTS AGAINST PEACE OFFICERS

**State**

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

### 1011.5 DOCUMENTATION

**Best Practice** **MODIFIED**

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

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

### 1011.6 ADMINISTRATIVE INVESTIGATIONS

**Best Practice**

Allegations of misconduct will be administratively investigated as follows.

#### 1011.6.1 SUPERVISOR RESPONSIBILITIES

**State** **MODIFIED**

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

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

The responsibilities of supervisors investigating a formal complaint include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
  1. The original complaint form will be directed to the appropriate commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.

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2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
  1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
  2. If the matter is resolved and no further action is required, no documentation is necessary.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the appropriate commander and the Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the appropriate Division Watch Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the appropriate Division Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
  1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
  2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

### 1011.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

State **MODIFIED**

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

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.

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- (b) Unless waived by the member, interviews of an accused member shall be at the Vallejo Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
  - 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
  - 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

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

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or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

### 1011.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Best Practice MODIFIED

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

- (a) **Summary** - Provide a brief summary of the facts giving rise to the investigation.
- (b) **Witness Statements**
- (c) **Officer Statements**
- (d) **Additional Information** - Actions taken or information received outside of the statements or attached documents.
- (e) **Conclusions** - Opinion(s) of the author are offered based on experience and the information contained in the report.
- (f) **Findings** - List each potential policy violation and a corresponding finding.
- (g) **Attachments** - List sources of information attached to the report (e.g., criminal reports, written complaint, dispatch records).
- (h) **In File** - A list of all sources of information to be maintained in the file (e.g., recordings, photos, I.A. related forms)

### 1011.6.4 DISPOSITIONS

State MODIFIED

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

- (a) **Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).
- (b) **Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.
- (c) **Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.
- (d) **Sustained** - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

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

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### 1011.6.5 COMPLETION OF INVESTIGATIONS

**State**

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

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

### 1011.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

**Best Practice**

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

### 1011.7 ADMINISTRATIVE SEARCHES

**State** **MODIFIED**

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

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

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

#### 1011.7.1 DISCLOSURE OF FINANCIAL INFORMATION

**State**

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

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

### 1011.8 ADMINISTRATIVE LEAVE

**Best Practice** **MODIFIED**

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

# Vallejo Police Department

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## Personnel Complaints

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

### 1011.8.1 DISPOSITION OF REPORTS

#### Agency Content

Sustained or unappealed written reprimands shall be removed from the member or employee's personnel file two years from the date of issue, unless such written reprimand becomes part of a progressive disciplinary action undertaken within the two year period. In such a case, it will remain in the file for five years from the date of resolution of the progressive disciplinary action.

- (a) Written reprimands issued for disciplinary actions resulting from a sustained citizen's complaint shall be maintained in the personnel file at least five years (Penal Code 832.5).

Sustained or unappealed disciplinary actions other than written reprimands, including but not limited to suspensions, demotions, and punitive transfers, shall be removed from the file five years from the date of issue, or in the case of a sustained (or modified) appeal of such action by the Civil Service Commission, five years from the date of the decision by the Civil Service Commission, unless such disciplinary action becomes part of a progressive disciplinary action undertaken within the five year period. In such cases, the action will remain in the file for five years from the date of resolution of the progressive disciplinary action.

### 1011.9 CRIMINAL INVESTIGATION

#### State

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

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

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

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

## Personnel Complaints

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### 1011.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Best Practice **MODIFIED**

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

#### 1011.10.1 DIVISION COMMANDER RESPONSIBILITIES

Best Practice

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

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

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

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

#### 1011.10.2 CHIEF OF POLICE RESPONSIBILITIES

State **MODIFIED**

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

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

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
  1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.

## Personnel Complaints

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2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

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

### 1011.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

**State**

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

### 1011.10.4 NOTICE REQUIREMENTS

**State**

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

### 1011.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

**Best Practice**

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

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

## Personnel Complaints

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### 1011.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

State

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

### 1011.13 POST-DISCIPLINE APPEAL RIGHTS

State MODIFIED

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

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

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

### 1011.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

State

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

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

### 1011.15 RETENTION OF PERSONNEL INVESTIGATION FILES

Best Practice MODIFIED

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

# Vallejo Police Department

## Vallejo PD Policy Manual

### Personnel Complaints

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#### 1011.16 REQUIRED REPORTING TO POST

##### State

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
  1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect an officer's POST certification, such as:
  1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
  2. Findings of civilian review boards.
  3. Final dispositions of any investigations.
  4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the Vallejo Police Department based on allegations of conduct by an officer.

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) within the applicable timeframe provided in Penal Code § 13510.9.

#### 1011.16.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

##### State

The Chief of Police or the authorized designee shall report allegations of serious misconduct by an officer to POST and the report shall include the following (11 CCR 1207):

- (a) Name of the Department
- (b) Administrative case number
- (c) Name, current address, and phone number of the complainant, if available
- (d) Name, POST ID, current address, and phone number of the involved officer
- (e) A summary of the alleged misconduct including:
  1. A narrative of the allegations
  2. Date and time of incidents
  3. Location of occurrence
  4. Any witness information, if available
  5. Summary of arrest or indictment of involved officer

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- (f) A change in employment status of the involved officer (e.g., administrative leave, suspension, termination)
- (g) Name and contact information of the assigned investigator

The Chief of Police or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

Upon completion of the investigation, the Chief of Police or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the officer's service record as provided by 11 CCR 1207.

### 1011.16.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

**State**

Additional notification shall be made to POST (11 CCR 1207):

- (a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
  - 1. The Department shall provide the name of the body conducting the proceeding.
  - 2. The status of the proceeding, if known.
- (b) If criminal charges are pending:
  - 1. The name of the court having jurisdiction over the criminal charges against the officer.
  - 2. The status of the criminal case, if known.

### 1011.17 PROFESSIONAL STANDARDS DIVISION PROCEDURES

**Agency Content**

See attachment: [PSD City Claims Review Process 041824.pdf](#)

See attachment: [PSD Procedural Guidelines 041824.pdf](#)

See attachment: [PSD Investigative Checklist 041824.pdf](#)

See attachment: [VPD No Conflict Attestation Final.PDF](#)

## Attachments

CURRENT POLICY

**Citizen Complaint Form.pdf**

CURRENT POLICY



# CITY OF VALLEJO

OFFICE OF THE CHIEF OF POLICE

111 AMADOR STREET • VALLEJO • CALIFORNIA • 94590-6301 • (707) 648-4540 • FAX (707) 648-4390

## HOW TO FILE A COMPLAINT

The Vallejo Police Department accepts and thoroughly investigates all complaints against its employees, policies or procedures. In so doing, the Department's goals are to:

- Maintain a constant check on the efficiency and fairness of our policies and procedures
- Absolve the innocent
- Establish responsibility for improper conduct when and where it exists
- Facilitate prompt and just discipline in accordance with the City of Vallejo Personnel Rules, Regulations and Police Department General Orders
- Enhance communication to resolve misunderstandings and improve service levels

Enclosed is information regarding the Vallejo Police Department's complaint process. The following documents are included:

- Citizen's Complaint Form
- Information Regarding Complaint Procedures

If you wish to file a complaint using the Citizen's Complaint Form, please thoroughly complete the Citizen's Complaint Form. Please be sure to:

- Include the date, time and location of occurrence
- Provide possible identification of the officer(s) or employee(s)
- Provide specific, detailed descriptions of what occurred
- List names, addresses, and telephone numbers of witnesses

If you wish to mail your complaint, please refold, tape or staple the completed forms, place a stamp in the upper right hand corner and drop it in the nearest mail box.

If you have any questions regarding the Citizen's Complaint Form, please call the Internal Affairs Unit at (707) 648-4695.

*For Official Use Only*

|                              |                       |      |
|------------------------------|-----------------------|------|
| Watch Commander/Designee     | Badge Number          | Date |
| Employee Providing Complaint | Employee Number       | Date |
| Employee Receiving Complaint | Employee Number       | Date |
| Internal Affairs             | Employee Number/Badge | Date |

**CITIZENS COMPLAINT FORM  
INTERNAL AFFAIRS SECTION  
VALLEJO POLICE DEPARTMENT**

*For Official Use Only*

CASE NO. \_\_\_\_\_

|                         |   |        |                                  |
|-------------------------|---|--------|----------------------------------|
| Complainant's LAST Name | First                                   | Middle | Date of Birth                    |
| Address                 | <input type="checkbox"/> City (Vallejo) | Zip    | Home Phone ( )<br>Work Phone ( ) |

**Complete this Portion if Complainant is a Minor or Assisted by an Attorney**

|           |   |        |                             |
|-----------|---|--------|-----------------------------|
| LAST Name | First                                   | Middle | Relationship to Complainant |
| Address   | <input type="checkbox"/> City (Vallejo) | Zip    | Home Phone ( )              |

|                        |     |      |      |  |
|------------------------|-----|------|------|--|
| Location of Occurrence | Day | Date | Time | <input type="checkbox"/> A.M.<br><input type="checkbox"/> P.M. |
|------------------------|-----|------|------|--|

Identity of Involved Personnel (Name, Badge No., Vehicle No., etc)

|  |
|--|
|  |
|  |
|  |
|  |

*If you need more space, please use an additional sheet of paper.  
If you have any questions, please contact the Internal Affairs Section at (707) 648-4695*

Brief Narrative

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Narrative (continued)

CURRENT POLICY

| Witness Name (Last, First, Middle) | Address | City/ZIP | Phone (Include Area Code) |
|------------------------------------|---------|----------|---------------------------|
|                                    |         |          |                           |
|                                    |         |          |                           |
|                                    |         |          |                           |

***I have read and understand this statement, which I have made of my own free will and the facts contained therein are true and correct to the best of my knowledge.***

|                                  |      |
|----------------------------------|------|
| Complainant's Signature<br><br>X | Date |
|----------------------------------|------|

CURRENT POLICY

FOLD ON DOTTED LINE

From \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Place  
Stamp  
Here

VALLEJO POLICE DEPARTMENT  
Internal Affairs Section  
111 Amador Street  
Vallejo, CA 94590

**PSD City Claims Review Process 041824.pdf**

CURRENT POLICY



# VALLEJO POLICE DEPARTMENT

## PROFESSIONAL STANDARDS DIVISION

### **POLICY 1011 - ATTACHMENT**

#### **City Claims Review Process**

#### **Purpose**

The purpose of this policy is guide the independent review of all claims involving VPD personnel to determine whether misconduct is observed, or identify if there are patterns that are present which can be used as opportunities to improve the department through changes to policy, supervision, or training.

This policy attachment is for use as a guide to the Professional Standards Division (PSD) when reviewing city claims submitted to the Vallejo Police Department (VPD) by the City of Vallejo Risk Management Division. This policy attachment will define the role and responsibility for this involved, establish a standardized internal review process, and describe reporting on action items that may come from the claim review.

#### **Background**

In the City of Vallejo, when a person wishes to be compensated for a loss of any kind that was cause by the alleged actions of the city, a city claim must be filed with the City Clerk's office. Claims associated with VPD often range in significance from minor property damage to allegations of civil rights violations. As such the response to city claims by VPD are standardized and undergo and consistent review process with uniform action outcomes and recommendations.

#### **Internal Review and Responsibilities**

The City Clerk's Office receives and processes the city claim. The claim is then routed to the Risk Management Division – general liability section. The general liability liaison receives the claim and is the link between the city, the involved department, and the insurance carrier. In cases involving the police department, the Risk Management Division deals with the VPD Professional Standards Division (PSD).

General Liability (GL) Liaison – Member of the Risk Management Division (Human Resources Department) who processes the claim once sent by the City Clerk's Office. The GL liaison is responsible for forwarding the claim electronically to the police department's Chief, Deputy Chief/Captain, and Professional Standards Lieutenant and analyst for review and claim response. The GL liaison will indicate the specified time limit associated to the claim pursuant to the California Government Code (generally 45-65 days). PSD will conduct an intake on the claim by issuing it a claim number (CL#) and issuing it to the internal affairs sergeant for review and response.

Assigned CAO Attorney – There is an assigned lawyer from the City Attorney's Office (CAO) tasked with representing the police department and providing legal counsel. The Professional Standards Division hold weekly meetings with this attorney to provide legal input on police related matters. During this weekly meeting, the internal affairs sergeant provides updates on any city

claim review(s) that have yielded conduct or risk concerns. The CAO attorney will then liaison with the Risk Management GL liaison as the claim processes through the insurance carrier. The CAO attorney does not provide direct input into the police department's internal review and ultimately response to the city claim.

PSD Claim Reviewer – The claim reviewer (generally the IA Sgt.) will gather necessary information on the claim to properly formulate an assessment and potential response with recommendation to the GL liaison within the specified time period. The reviewer's response will involve an analysis of the facts/circumstances of the incident, any legal justification or factors involved, and a preliminary recommendation as to whether or not the claim should be accepted or denied. This recommendation is not intended to be binding or all encompassing, but used as a basis of evaluation by the GL liaison when reviewing the claim with the insurance adjuster.

If the PSD reviewer observes any risk issues, potential misconduct, need for training, or other remediation while reviewing the claim incident, he/she will bring the issue(s) to the attention of the next level of authority in the chain of command (generally the PSD lieutenant). This chain of command meeting will be requested in writing and should occur within 30-days of the claim response submission.

PSD Lieutenant – The division commander is responsible for the overall internal review process and response to the Risk Management Division. Should any issues of misconduct, risk mitigation, training, opportunity for agency improvements, or other concerns arise, the PSD Lt. will conduct an evaluation of the fact and circumstances and make a recommendation to the next level of authority in the chain of command (generally a Captain or Deputy Chief). Depending on the nature of the concern, several tasks or outcomes could result from a claim review, to include but not limited to: initiation of an internal investigation (IA) or citizen complaint, additional training (either as an individual or line-up/AOT training), convening of the Critical Incident Review Board (CIRB), or other action as dictated by the Chief of Police or his/her designee.

PSD Analyst – The analyst will document any action resulting from a city claim review. The action will be noted in writing in the CL# file and referenced to the corresponding outcome so the task can be monitored for completion by the PSD lieutenant. Once the claim response is completed and approved by the PSD lieutenant, the PSD analyst will submit the claim response on behalf of the PSD lieutenant to the GL liaison, insurance adjuster, CAO attorney, risk manager, and VPD executive staff.

### **Required Review & Reporting**

The updated status of all claim reviews (CL #) or action items resulting thereof, will be reviewed by PSD staff at their monthly case status meetings. At these meetings, any unfinished or outstanding action items will be identified and assigned to PSD staff for follow up. The PSD lieutenant who will have overall responsibility of overseeing any improvement and/or remediation resulting from a city claim review.

Annual Audit Report – in the PSD Annual Audit, there will be a city claim review section. This section will identify the amount of actions taken as a result of city claims reviews, address any connectivity between community concerns and litigation. Report on any community problem-solving actions attempted as a result of a city claim incident and/or review. The annual report information and other data will be used to assist VPD in evaluating whether or not there are trends or patterns that necessitate improvement, remediation, or training. This information will be contained in the overall PSD annual report as described in other areas of this policy.

**Routing**

If during a city claim review, remedial action is deemed warranted by the PSD lieutenant (or officer of higher authority), the recommended action will be forwarded to the appropriate unit. In cases requiring additional training, the PSD Admin/Training Sgt. will be tasked with follow-up. In cases involving potential policy violation(s) and/or discipline, the IA Sgt. will be tasked with follow-up. In cases involving performance issues, the employee's supervisor will be tasked with the follow-up.

Any action item(s) identified will be time bound and will be tracked in the PSD software system's "TASKS" section of the case file. The PSD will be responsible for following up on any time sensitive action items to ensure timely completion.

*Last Rev. 5/23/23*

CURRENT POLICY

**PSD Procedural Guidelines 041824.pdf**

CURRENT POLICY

# **Policy 1011 Attachment**

## **Professional Standards Division**

### **Procedural Guidelines**

#### **Purpose**

This policy attachment is to be used by the Professional Standards Division (PSD) as a procedural guide when conducting certain administrative tasks. This is including, but not limited to, when investigating Use of Force Complaints or Citizen Complaints submitted to PSD. This policy attachment will define new responsibilities for the involved investigator, establish a standardized internal review process, and describe action items that may come from the administrative review.

#### **NO CONFLICT ATTESTATION FORM**

To ensure that fair and impartial investigations are conducted, supervisors at the scene of the events or otherwise involved in the circumstances of the event will not have any investigative role with the PSD investigation. Collective bargaining board members or officers who represent other police officers during internal interviews or disciplinary hearings will also not have any investigative role in that particular PSD investigation. Each lead investigator will complete a No Conflict Attestation Form before case assignment. If a conflict of interest exists, an alternate investigator will be assigned as lead. All investigations require a completed No Conflict Attestation.

#### **TRACKING SOFTWARE**

Citizen Complaints and Internal Investigations that are received by the Professional Standards Division for review shall be entered into the tracking software. The tracking software will issue a tracking number for each entry and will document the type of complaint, outcome, and demographic data for the complainant and involved officer(s).

The tracking software tracks many aspects of the PSD investigation to include the following information:

- PSD case number
- Date case received
- Accused officer(s)
- Witness officer(s)
- Criminal allegation(s) – assigned criminal investigator
- Administrative allegation(s)
- Tolling dates: start & end
- Reason(s) for tolling (i.e. criminal investigation, member unavailable, trail, etc.)
- Case status (i.e. active administrative, criminal trial pending, member unavailable, closed, etc.)
- Case disposition
- Officer / Complainant demographics
- Notes

This policy requires the interview of all subject and witness officers in administrative investigations. All attempted or completed officer interviews will be logged and tracked. If the

officer could not be interviewed, this information will still be logged and tracked into the database with an explanation describing the circumstances of the incomplete interview.

Use of force incident will be entered into the use of force reporting software by the officer who used force. This report will then be forwarded to the first line supervisor for review. After the first line supervisors review, the UOF report will be forwarded to the Watch Commander for additional review. After the Watch Commander has reviewed the use of force entry, it will be forwarded to PSD Sergeant for a final review. At any point in the review process, a reviewer determined a violation of the use of force policy has occurred, a PSD investigation will be initiated.

The use of force reporting software will be used by PSD to look for trends in force use that may constitute a conduct that violates department policy or law. A component of the use of force reporting software is the Early Intervention System that identify trends resulting from complaints. Watch Commanders will track complaints filed during their shift to also identify trends in complaints. The PSD Commander will also review all use of force complaints monthly to determine if trends are present that can be addressed to reduce the likelihood of use of force incidents. In addition to a monthly review, the PSD Commander will present an annual audit report to the Chief of Police. These trends will be forwarded to the PSD training manager for further training as needed.

## **PSD TRAINING**

PSD investigators will be educated and trained on policies and procedures including, but not limited to, the use of the No Attestation Form, the PSD Investigative Checklist, PSD Officer Interview Questionnaire Form, and the PSD Monthly Investigative Review Memo prior to conducting any internal investigations.

All internal PSD training records will be retained by the PSD Commander or their designee. The PSD Commander will also document deficiencies identified, and any corrective / remedial action taken.

A PSD Officer Interview Questionnaire will be utilized to ensure consistent investigative integrity.

## **PSD INVESTIGATIVE CHECKLIST**

To ensure that investigations are thoroughly completed in a timely manner, a standardized investigation procedure will be performed. This procedure will include, but are not limited to, investigative actions listed in the Professional Standards Checklist such as interviewing of all subjects and witnesses (to include all witness officers) and adherence to timelines.

The VPD has established investigative responsibilities and associated deadlines for investigative tasks. This Professional Standards Investigation Checklist outlines investigative steps will be performed with deadlines for each phase. It serves to keep consistency to the investigation, enhancing public trust and legitimacy. If the investigation is complex or other variables require a deviation from established deadlines, requiring more investigative resources or time exceeding deadlines, an explanation and approval will be required by the PSD Commander.

## **PROFESSIONAL STANDARDS DIVISION NOTIFICATION PROCESS**

The following will be the responsibility of the Professional Standards Division upon notification of an allegation of misconduct.

- (a) Confirmation that a complaint has been received by the Professional Standards Division. Confirmation can be made by email and or a follow up telephone call.
- (b) The complaint will be entered into tracking software and a member of the Professional Standards Division will attempt to contact the complainant within 48 hours of receipt.
- (c) The assigned investigator will contact the complainant at a minimum once every 30 days to provide a case status update until the case is completed.

### **POST ADMINISTRATIVE INTERVIEW PROCESS**

At the conclusion of the investigation, policy violations will be identified and documented in the PSD report. The completed investigation will be reviewed and approved by the PSD Commander. The PSD Commander will forward the completed packet to the appropriate Bureau Captain for review and approval. The Bureau Captain will complete a Findings and Recommendations Memo to be routed through the chain of command to the Chief of Police for final approval.

### **PROFESSIONAL STANDARDS DIVISION COMMANDER RESPONSIBILITIES**

The Professional Standards Division Commander is responsible for reviewing all letters prior to the Administrative Analyst sending them. All letters will be uploaded into the tracking software and the Professional Standards Division Drive.

### **PSD INVESTIGATIVE REVIEW MEMO**

The PSD Commander will conduct a monthly and phase review of each PSD investigation. A PSD Investigative Review Memo will be completed. The PSD Investigative Review Memo is used to document review and approval for cases meeting the investigative deadlines, documenting circumstances for past due cases, direction to the lead investigator to perform additional investigative steps, and to establish new deadlines.

The PSD Commander will review each case monthly until all remediation is completed.

Training, policy, or practice deficiencies identified will be agenized and discussed at weekly PSD meetings. The PSD Commander will coordinate with the appropriate personnel to ensure if individual or group training may be required. The PSD Commander will document in a memo deficiency identified and any corrective / remedial action taken.

The PSD Commander or their designee is responsible for monitoring review and remediation of any deficiencies identified during the review or remediation process, measuring associated outcomes, monitoring adherence to the process, and provide an annual report on all outcomes to the Chief of Police.

## **PSD CASE INSPECTIONS**

Upon subsequent inspections, if deadlines or direction is not achieved, the PSD Commander will take corrective or other remedial action which may include directing the lead investigator to complete a PSD Investigative Review Memo explaining the circumstances for non-adherence, reassigning the lead investigator, or other remedial or punitive action.

It shall be the responsibility of the Professional Standards Division Commander to review all use of force complaints monthly and determine if trends are present that increase the likelihood of force being used in the future.

Additionally, the PSD Commander will conduct an annual review of the training curriculum for the PSD Officer Interview Questionnaire form and will make updates or changes as necessary.

## **AUDIT REPORTS**

PSD will conduct an annual report detailing the outcomes of each personnel complaint investigation to ensure PSD adheres to policy. The annual report will also include statistics of discipline issued.

PSD will create a bi-annual report will be created showing evidence of remediation recommended by PSD to include training, discipline, and policy adjustment. The annual and bi-annual reports will be downloaded to the VPD webpage.

## **FORCE TRENDS**

The Professional Standards Division Commander will assess use of force trends on a quarterly basis with the assistance of the Force Options Team as Subject Matter Experts. This assessment will be used to identify officer(s) who would benefit from further training.

**PSD Investigative Checklist 041824.pdf**

CURRENT POLICY



## PSD INVESTIGATIVE CHECK LIST

### FIRST PHASE

- Make contact with complainant within 48 hours of receipt of complaint. Date completed:**

If not completed, add explanation here:

- Open an internal complaint and assign complaint number. Date completed:**

If not completed, add explanation here:

- Schedule a date and time to conduct an interview with complainant**

If not completed, add explanation here:

- Interview complainant & determine allegations against the employee. Date completed:**

If not completed, add explanation here:

- Determine if there are civilian or officer witnesses. Date completed:**

If not completed, add explanation here:

- Interview civilian witnesses. Date completed:**

If not completed, add explanation here:

- Review CAD data and any reports generated. Date completed:

If not completed, add explanation here:

- Update complainant. Date completed:

If not completed, add explanation here:

PSD Commander \_\_\_\_\_ Date \_\_\_\_\_

**SECOND PHASE**

- Speak to supervisor to determine basic facts. Date completed:

If not completed, add explanation here:

- Review BWC or In-Car videos.

Date completed:

If not completed, add explanation here:

- Review other video evidence.

Date completed:

If not completed, add explanation here:

- Schedule interviews with witness and complainant officers.

Date completed:

If not completed, add explanation here:

[Empty box]

**Conduct interviews with witness and complainant officers.**

**Date completed:**

If not completed, add explanation here:

**Consult subject matter experts (SMEs) if necessary.**

**Date completed:**

If not completed, add explanation here:

**Update complainant. Date completed:**

If not completed, add explanation here:

PSD Commander \_\_\_\_\_ Date \_\_\_\_\_

**THIRD PHASE**

**Generate PSD report with facts gathered. Date completed:**

If not completed, add explanation here:

**Submit to PSD Commander for review and approval.**

**Date completed:**

If not completed, add explanation here:

**Update complainant. Date completed:**

\_\_\_\_\_

If not completed, add explanation here:

PSD Commander \_\_\_\_\_ Date \_\_\_\_\_

CURRENT POLICY

**VPD No Conflict Attestation Final.PDF**

CURRENT POLICY



## NO CONFLICT ATTESTATION

To ensure fairness and impartiality for internal affairs investigation, I attest that I do not have any conflicts that would impede my ability or judgment relating to the person(s) or entities associated to this investigation/complaint.

I attest that ALL of following are true:

1. I did NOT have an active or supervisory role during this event.
2. I do NOT currently represent nor am I scheduled to represent any department member relating to, or having any association with, the event(s) surrounding this investigation.

I understand that if EITHER of the above attestations is NOT accurate, I CANNOT act as the lead during this investigation/complaint.

Investigator Name: \_\_\_\_\_

Investigator Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor Name: \_\_\_\_\_

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Vallejo Police Department

## Key Complaint Policy Changes Overview

### ◆ NEW SECTION – 1011.3 DEFINITIONS

| 2025                                  | 2026  | Change   |
|---------------------------------------|---|--|
| <p>✗ None (definitions embedded).</p> | <p>Defines Complaint, distinguishing Discipline as a general term that encompasses both Corrective and Punitive actions, Preponderance of evidence.</p> | <p>Entirely new section introducing critical legal definitions and framework. Adopted language from the 2020 &amp; 2023 RIPA Advisory Board Annual Reports</p> |

### ◆ 1011.3.1 MISCONDUCT CATEGORIES

| 2025  | 2026   | Change   |
|---|--|--|
| <p>General references to serious misconduct with no definition.</p> | <p>Adds exhaustive General Misconduct examples (e.g., poor service, discourtesy). Adds Serious Misconduct list (dishonesty, excessive force, sexual assault, discrimination, hate groups, intoxication, etc.).</p> | <p>New classification aligning with Penal Code §13510.8 (SB 2 – POST decertification).<br/>Expands grounds for reporting to POST. Provides supervisors who may receive a complaint with a general framework with which they can classify the alleged offense to determine how to proceed with the investigation (Gov Code 3300 triggered or not)</p> |

**◆ 1011.3.2 COMPLAINT CLASSIFICATIONS**

| 2025                              | 2026  | Change  |
|-----------------------------------|---|---|
| “Formal” or “Inquiry Resolution.” | Replaced with Formal / Informal / Public Inquiry and defined PSD designated as central coordinator. | Restructured investigation flow: all complaints must be accepted, logged, investigated and/or reviewed by PSD.<br>Allows Watch Commanders to identify those complaints that can be investigated contemporaneously to the alleged offense and provides the discretion for corrective actions for informal matters. |

**◆ SOURCES OF COMPLAINTS (1011.3.2 in 2026 → 1011.3.3 in 2025)**

| 2025   | 2026   | Change  |
|--|--|---|
| Accept complaints in any form; tort claims may generate a complaint. | Adds anonymous, third-party, minor, parent/guardian, POAC, City offices; requires investigation even if not articulated as misconduct. | Specifies all potential sources of complaints |

**◆ 1011.4 – AVAILABILITY & ACCEPTANCE**

| 2025   | 2026  | Change  |
|--|---|---|
| “Personnel complaint forms will be maintained in a clearly | Adds Personnel Complaint/Compliment Form, multilanguage (Spanish/Tagalog) availability, translation requirement, integration with oversight bodies. | Replacement of complaint form and modernization. Adding a general description of complaints process, what to expect and |

| 2025                          | 2026 | Change  |
|-------------------------------|------|---|
| visible location and online.” |      | instructions based on RIPA AB Annual Reports<br>Requires ADA/LEP-friendly procedures. Expands availability of forms |

◆ 1011.5.2 – ADMINISTRATIVE INVESTIGATION PROCEDURES AND EXPECTATIONS

| 2025          | 2026   | Change   |
|---------------|--|--|
| GC 3300 Rules | GC 3300 plus no leading questions, no written statement from focus member, resolve material inconsistencies, identify all members at the scene and determine involvement if any. | Adds and specifies investigative techniques.<br>Adds requirement to id all members on scene.<br>Specifies how to evaluate and resolve inconsistencies.<br>Standards related to weighing the validity statements. |

◆ 1011.6.1 - .4 – DOCUMENTATION, TRACKING & PSD PROCESS

| 2025                                | 2026   | Change  |
|-------------------------------------|--|---|
| Annual log and audit by department. | Mandatory case entry into IA software with 12 data fields (case #, demographics, tolling, status, etc.). Requires PSD contact within 2 business days and 30-day complainant updates. | Adds digital tracking system and update frequency requirement.<br>Introduces No Conflict Attestation digital form.<br>PSD case checklist. |

◆ **1011.6.5 - DISPOSITIONS**

| <b>2025</b>   | <b>2026</b>  | <b>Change</b>                                    |
|---|--|--|
| 4 findings (Unfounded, Exonerated, Not Sustained, Sustained). | Same + Frivolous; references updated Penal Code subsections. | Adds statutory definition and updated numbering. |
| Standard of proof not declared.                               | Explicitly preponderance of evidence.                        | Aligns to California POST and DOJ mandates.      |

◆ **1011.6.6 - COMPLETION OF INVESTIGATIONS**

| <b>2025</b>   | <b>2026</b>   | <b>Change</b>   |
|---|---|---|
| “Due diligence; one-year limit from discovery; extensions per Gov Code §3304(d).” | Same plus prohibits terminating case due to complainant withdrawal. | Adds mandatory continuation even if complainant retracts. |

◆ **1011.10.1 - PSD COMMANDER RESPONSIBILITIES / AUDITS**

| <b>2025</b>                                   | <b>2026</b>  | <b>Change</b>                                    |
|---|--|--|
| Mentions monthly “Investigative Review Memo.” | Same concept but renamed PSD Open Case Report; adds tracking spreadsheet, remedial actions, trend reviews, annual + biannual reports published online. | Institutionalizes public transparency reporting. |

**◆ 1011.10.2 - CHIEF OF POLICE RESPONSIBILITIES**

| 2025   | 2026   | Change   |
|--|--|--|
| Authority to modify recommendations of discipline or return for further investigation, Skelly procedures | Same authority and responsibilities adds additional option of referral to (DRP), specifies discipline guidelines incorporation of Discipline Guidelines memorandum | expanded processes and guidelines to ensure completeness of investigations and consistency of discipline |

**◆ NEW 1011.17 – TRAINING**

| 2025  | 2026   | Change  |
|---|--|---|
| Only scattered notes about supervisor responsibilities. | Entire new section mandating annual training for officers, supervisors, and reviewers, with comprehension of Garrity, Lybarger, Brady, bias recognition, and complaint handling for LEP individuals. | Adds recurring education and competency expectations. |

**◆ NEW 1011.18 – EVALUATION, AUDITS & TRANSPARENCY**

| 2025                 | 2026   | Change   |
|----------------------|--|--|
| Sparse audit clause. | Expands to full annual and biannual audit, effectiveness and trends assessment, publication on website by April 1. | Strengthens continuous improvement and public accountability |

**OVERALL IMPACT SUMMARY**

| Aspect        | Direction of Change                       | Why It Matters                             |
|---------------|---|--|
| Tone & Intent | Procedural → Values-driven, public-facing | Builds public confidence and transparency. |

| <b>Aspect</b>         | <b>Direction of Change</b>  | <b>Why It Matters</b>                                  |
|-----------------------|---|--|
| Legal Compliance      | Basic → SB 2 / POST Decertification / Gov Code modernized   | Ensures conformity with 2022–2024 California statutes. |
| Accountability        | Internal tracking + annual audit → Digital IA tracking, scheduled updates, audit & public posting | Adds measurable accountability infrastructure.         |
| Investigation Quality | Supervisor discretion → Centralized PSD control with standard methods                             | Promotes consistency and impartiality.                 |
| Community Access      | Limited → Broad, multilingual, anti-retaliation, multi-channel intake                             | Expands complainant rights and equity compliance.      |
| Training & Oversight  | Minimal → Formalized annual training + evaluation program   | Ensures policy sustainability and effectiveness.       |

# Vallejo Police Department

## Personnel Complaints Policy

### Key Changes After Police Reform

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#### **Big Picture Shift**

- Old policy focused on internal processes for handling complaints.
- New policy emphasizes accountability, transparency, and public trust.
- Clear expectation that investigations must be fair, consistent, and evidence-based.

#### **Stronger Rights for the Public**

- Complaints can be filed by anyone, including anonymously or on behalf of others.
- Multiple ways to file: online, phone, email, in person.
- Materials available in multiple languages.
- Complainants can update or correct their statements after filing.

#### **Zero Tolerance for Discouraging Complaints**

- Officers cannot refuse or discourage complaints.
- Retaliation, intimidation, or interference is explicitly prohibited.
- Violations can result in discipline, including termination.

#### **Clearer Definition of Misconduct**

- Misconduct categorized as General or Serious.
- Serious misconduct explicitly includes excessive force, bias/discrimination, dishonesty, and failure to intervene.
- Greater clarity reduces ambiguity and strengthens accountability.

#### **Higher Standards for Investigations**

- Findings must be based on 'preponderance of evidence' (more likely than not).
- Investigations must consider all evidence equally and resolve inconsistencies.
- Witness interviews and evidence collection are more structured and standardized.

#### **Centralized Oversight (Professional Standards Division)**

- All complaints are reviewed and tracked by a central unit (PSD).

- PSD ensures consistency, quality control, and proper classification of cases.
- Reduces risk of bias or inconsistent handling across supervisors.

### **Tracking, Data, and Transparency**

- All complaints are logged in a tracking system with case details and outcomes.
- Data includes timelines, demographics, and findings.
- Annual reporting identifies patterns and trends for improvement.

### **Improved Communication with Complainants**

- Initial contact within a few days of filing.
- Regular updates (at least monthly) during the investigation.
- Ensures transparency and reduces uncertainty for complainants.

### **Investigations Continue Regardless of Withdrawal**

- Cases cannot be closed simply because a complainant withdraws.
- Ensures serious allegations are still investigated fully.

### **Stronger Accountability and External Reporting**

- Serious misconduct must be reported to state oversight (POST).
- Additional oversight ensures accountability beyond the department.
- Clearer consequences for violations, including potential removal from service.

### **Bottom Line**

- The old policy focused on handling complaints internally.
- The new policy is designed to ensure fairness, transparency, and accountability.
- Overall goal: rebuild and maintain public trust through a more rigorous and open process.



**DATE:** April 9, 2026  
**TO:** Mayor and Members of the City Council  
**FROM:** Bobby Knight, Deputy Chief of Police  
**SUBJECT:** **REVIEW AND ADOPT A RESOLUTION PROVIDING ADVICE AND RECOMMENDATIONS ON NEW POLICE DEPARTMENT POLICIES 1036 FACIAL COVERINGS AND 1037 VISIBLE DISPLAY OF IDENTIFICATION**

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**RECOMMENDATION**

Adopt resolution providing advice and recommendation regarding two new proposed Vallejo Police Department policies: Facial Coverings Policy and Visible Display of Identification Policy.

**BACKGROUND AND DISCUSSION**

Vallejo Municipal Code section 18.03.0500 requires that the Police Oversight and Accountability Commission ("Commission") review all new and revised Vallejo Police Department policies and provide advice and recommendations. The Police Department is presenting two new policies for the Commission's review, advice, and recommendations.

**Facial Coverings Policy (NEW POLICY)**

This new policy has been developed pursuant to 2025 California Senate Bill (SB) 627, effective January 1, 2026, which restricts law enforcement agencies' use of facial coverings, with limited exceptions in certain circumstances. All California law enforcement agencies must adopt a compliant policy and post it on their website no later than July 1, 2026.

**Visible Display of Identification Policy – (NEW POLICY)**

This new policy has been developed pursuant to 2025 California Senate Bill (SB) 805, which requires law enforcement personnel to visibly display identification, including their agency name and either a name or badge number, while performing enforcements duties. This requirement has limited exceptions for specific circumstances. All California law enforcement agencies must adopt a compliant policy and post it on their websites no later than January 1, 2026. Agencies that adopt this policy are exempt from the provisions of Penal Code § 13654 (visible display of identification; exceptions; violation) provided they publicly post this written policy in accordance with Government Code §7288.

**ATTACHMENTS**

1. Resolution
2. Facial Coverings Policy with Release Notes
3. Visible Display of Identification Policy and Release Notes

**Subject: REVIEW AND ADOPT A RESOLUTION PROVIDING ADVICE AND RECOMMENDATIONS ON NEW POLICE DEPARTMENT POLICIES 1036 FACIAL COVERINGS AND 1037 VISIBLE DISPLAY OF IDENTIFICATION**

**FISCAL IMPACT**

There would be no notable fiscal impact due to the implementation of these policies.

**ENVIRONMENTAL REVIEW**

**ATTACHMENTS**

|    |  |
|----|--|
| 1. | POAC Policy 1036 Reso CAO Stamp                                      |
| 2. | Policy 1036 Facial Coverings NEW POLICY_POAC review                  |
| 3. | POAC Policy 1037 Reso CAO Stamp                                      |
| 4. | Policy 1037 Visible Display of Identification NEW POLICY_POAC review |

**CONTACT**

Bobby Knight, Deputy Chief of Police (707) 917-4120

[Bobby.Knight@cityofvallejo.net](mailto:Bobby.Knight@cityofvallejo.net)

Approved as to form:

By:  for \_\_\_\_\_  
Veronica Nebb, City Attorney

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION OF THE POLICE OVERSIGHT AND ACCOUNTABILITY COMMISSION (POAC) OF THE CITY OF VALLEJO MAKING A RECOMMENDATION CONCERNING NEW VPD POLICY 1036 FACIAL COVERINGS**

**WHEREAS**, the Police Oversight and Accountability ordinance at Vallejo Municipal Code section 18.03.0500 authorizes the Police Oversight and Accountability Commission (POAC) “to review, advise and provide recommendations regarding any new Police policy or concerning any modification or revision of any such policy and to independently propose new policies in their discretion;” and

**WHEREAS**, the Chief of Police desires to implement Policy 1036 Facial Coverings in order regulate the use of facial coverings by Vallejo Police Department officers.

**NOW THEREFORE, BE IT RESOLVED:**

The POAC hereby recommends that the policy presented to the Commission, and attached hereto as Exhibit A, be implemented by the Chief of Police without changes.

The POAC hereby recommends that the policy presented to the Commission attached hereto as Exhibit A, be modified before implementation as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The POAC hereby recommends that the policy, attached hereto as Exhibit A not be implemented.

PASSED AND ADOPTED by the Police Oversight and Accountability Commission of the City of Vallejo at a regular meeting thereof held on April 9, 2026, by the following vote:

AYES:

.

NOES:

ABSENT:

## RELEASE NOTES

### NEW POLICY

#### Facial Coverings

October 2025

#### New Policy

This new policy has been developed pursuant to 2025 SB 627, effective Jan. 1, 2026, to provide guidance for law enforcement agencies on the restricted use of facial coverings and the limited exceptions in certain circumstances.

All California law enforcement agencies must adopt a compliant policy and post it on their website no later than July 1, 2026. Agencies that adopt this policy are exempt from the provisions of Penal Code § 185.5 (facial coverings, exceptions; criminal penalties) provided they publicly post this written policy in accordance with Government Code § 7289.

Although this policy should be adopted no later than July 1, 2026, it is anticipated that the underlying statutes may be amended over the next several months. Lexipol will track any such amendments and provide timely updates to this policy as warranted.

Highlights of the policy include:

- **PURPOSE AND SCOPE** explains guidelines for compliance with Government Code § 7289.
- **FACIAL COVERINGS** outlines requirements and exceptions.
- **POSTING OF POLICY** requires this policy to be posted on the agency's website.

We recommend that this policy be moved below the **Visible Display of Identification Policy** in your manual (after that policy has been moved to our recommended location, below the **Uniforms and Civilian Attire Policy**). Instructions to move this policy:

- In the manual's Table of Contents, left-click and hold on the policy to be moved, then drag it slightly. A message will appear stating, "Drag and drop to renumber or move."
- Drag the policy title and drop it in the desired location in the Table of Contents (below the **Visible Display of Identification Policy**).
- Once the policy is at the desired location in the Table of Contents, release the left-click. A pop-up will appear asking to confirm moving the policy. Select "OK" to complete the process, or "Cancel" to terminate the process.

## Facial Coverings

### 1036.1 PURPOSE AND SCOPE

**State**

The purpose of this policy is to provide guidelines for all sworn personnel regarding the restriction of facial coverings when performing their duties except in limited specific circumstances (Government Code § 7289).

This policy also serves as a declaration that the Vallejo Police Department is committed to transparency, accountability, and public trust. Facial coverings are restricted as set forth in this policy.

#### 1036.1.1 DEFINITIONS

**State**

Definitions related to this policy include:

**Facial covering** - Any opaque mask, garment, helmet, headgear, or other item that conceals or obscures the facial identity of an individual, including but not limited to a balaclava, tactical mask, gaiter, ski mask, and any similar type of facial covering or face-shielding item.

Facial covering does not include:

- A translucent face shield or clear mask that does not conceal the wearer's facial identity and is used in compliance with this policy.
- A N95 medical mask or surgical mask to protect against transmission of disease or infection or any other mask, helmet, or device, including but not limited to air-purifying respirators, full or half masks, or self-contained breathing apparatus necessary to protect against exposure to any toxin, gas, smoke, inclement weather, or any other hazardous or harmful environmental condition.
- A mask, helmet, or device, including but not limited to a self-contained breathing apparatus, necessary for underwater use.
- A motorcycle helmet when worn by an officer utilizing a motorcycle or other vehicle that requires a helmet for safe operations while in the performance of their duties.
- Eyewear necessary to protect from the use of retinal weapons, including but not limited to lasers.

### 1036.2 POLICY

**State**

It is the policy of the Vallejo Police Department that facial coverings shall not be worn by officers in the performance of their duties except as set forth in this policy.

Generalized and undifferentiated fear and apprehension about officer safety shall not be sufficient to justify the use of facial coverings.

## Facial Coverings

---

### 1036.3 FACIAL COVERINGS

**State**

Facial coverings shall not be worn by officers when performing their duties except under the following conditions:

- (a) Active undercover operations or assignments authorized by a supervisor or court order
- (b) Tactical operations where protective gear is required for physical safety
- (c) Applicable law governing occupational health and safety authorizes such use (e.g., N95 masks against transmission of disease or infection, self-contained breathing apparatus against exposure to hazardous conditions)
- (d) Protection of identity during a prosecution proceeding
- (e) Applicable law governing reasonable accommodations authorizes such use

Facial coverings shall only be used when no other reasonable alternative exists, and with the approval of a supervisor. The supervisor shall document the necessity of facial coverings in the appropriate report.

A supervisor shall not knowingly allow an officer to violate state law or department policy limiting the use of a facial covering.

### 1036.4 POSTING OF POLICY

**State**

The Chief of Police or the authorized designee shall make this policy publicly available on the department website.

A written challenge regarding this policy shall be forwarded to the Chief of Police or the authorized designee, who shall then have 90 days to address or correct any alleged deficiencies. Court proceedings may not be initiated by the challenging party until this 90-day period has been completed.

Approved as to form:

By: VR for  
Veronica Nebb, City Attorney

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION OF THE POLICE OVERSIGHT AND ACCOUNTABILITY COMMISSION (POAC) OF THE CITY OF VALLEJO MAKING A RECOMMENDATION CONCERNING NEW VPD POLICY 1037 VISIBLE DISPLAY OF IDENTIFICATION**

**WHEREAS**, the Police Oversight and Accountability ordinance at Vallejo Municipal Code section 18.03.0500 authorizes the Police Oversight and Accountability Commission (POAC) “to review, advise and provide recommendations regarding any new Police policy or concerning any modification or revision of any such policy and to independently propose new policies in their discretion;” and

**WHEREAS**, the Chief of Police desires to implement Policy 1037 Visible Display of Identification requiring the visible display of identification by Vallejo Police Department officers.

**NOW THEREFORE, BE IT RESOLVED:**

The POAC hereby recommends that the policy presented to the Commission, and attached hereto as Exhibit A, be implemented by the Chief of Police without changes.

The POAC hereby recommends that the policy presented to the Commission attached hereto as Exhibit A, be modified before implementation as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The POAC hereby recommends that the policy, attached hereto as Exhibit A not be implemented.

PASSED AND ADOPTED by the Police Oversight and Accountability Commission of the City of Vallejo at a regular meeting thereof held on April 9, 2026, by the following vote:

AYES:

.

NOES:

ABSENT:

## RELEASE NOTES

### NEW POLICY

#### **Policy Release Notes**

Visible Display of Identification:

October 2025

#### New Policy

This new policy has been developed pursuant to 2025 SB 805 to provide guidance for law enforcement agencies to visibly display identification, including their agency name and either a name or badge number, while performing enforcements duties. This requirement has limited exceptions for specific circumstances.

All California law enforcement agencies must adopt a compliant policy and post it on their websites no later than Jan. 1, 2026. Agencies that adopt this policy are exempt from the provisions of Penal Code § 13654 (visible display of identification; exceptions; violation) provided they publicly post this written policy in accordance with Government Code § 7288.

Highlights of the policy include:

- **PURPOSE AND SCOPE** explains guidelines for compliance with Government Code § 7288.
- **VISIBLE DISPLAY OF IDENTIFICATION** outlines requirements and exceptions.
- **POSTING OF POLICY** requires this policy to be posted on the agency's website.

We recommend that this policy be moved below the **Uniforms and Civilian Attire Policy** (formerly the **Uniform Regulations Policy**) in your manual.

Instructions to move the policy:

- In the manual's Table of Contents, left-click and hold on the policy to be moved, then drag it slightly. A message will appear stating, "Drag and drop to renumber or move."
- Drag the policy title and drop it in the desired location in the Table of Contents (below the **Uniforms and Civilian Attire Policy**).
- Once the policy is at the desired location in the Table of Contents, release the left-click. A pop-up will appear asking to confirm moving the policy. Select "OK" to complete the process, or "Cancel" to terminate the process

## Visible Display of Identification

### 1037.1 PURPOSE AND SCOPE

State

The purpose of this policy is to provide guidelines for all officers to be readily identifiable to the public by the visible display of the department name and individual identifying information when performing enforcement duties, except in described limited specific circumstances (Government Code § 7288).

This policy also serves as a declaration that the Vallejo Police Department is committed to transparency, accountability, and public trust.

#### 1037.1.1 DEFINITIONS

State

Definitions related to this policy include:

**Enforcement duties** - Active and planned operations involving the arrest or detention of an individual, or deployment for crowd control purposes.

**Visibly display identification** - To wear externally on the uniform in a size and location such as to be reasonably visible to a member of the public with whom the officer interacts.

### 1037.2 POLICY

State

It is the policy of the Vallejo Police Department that all officers visibly display identification when performing enforcement duties except in circumstances set forth in this policy.

### 1037.3 VISIBLE DISPLAY OF IDENTIFICATION

State

Whenever performing enforcement duties, every officer shall visibly display identification, including the name of this department and either the officer's name or badge number, or both name and badge number.

This requirement shall not apply under the following conditions:

- (a) When officers are engaged in active undercover operations or investigative activities
- (b) When officers are wearing personal protective equipment that prevents display
- (c) When exigent circumstances exist involving an imminent danger to persons or property, the escape of a perpetrator, or the destruction of evidence, including if the officer is responding to those circumstances while off-duty
- (d) When there is a specific, articulable, and particularized reason to believe that identification would pose a significant danger to the physical safety of the officer

### 1037.4 POSTING OF POLICY

State

# Vallejo Police Department

Vallejo PD Policy Manual

## *Visible Display of Identification*

---

The Chief of Police or the authorized designee shall make this policy publicly available on the department website.

A written challenge regarding this policy shall be forwarded to the Chief of Police or the authorized designee, who shall then have 90 days to address or correct any alleged deficiencies. Court proceedings may not be initiated by the challenging party until this 90-day period has been completed.



**DATE:** April 9, 2026  
**TO:** Mayor and Members of the City Council  
**FROM:** Veronica A. F. Nebb, City Attorney  
**SUBJECT:** **ADOPT A RESOLUTION ESTABLISHING AN AD HOC SUBCOMMITTEE OF THE POLICE OVERSIGHT AND ACCOUNTABILITY COMMISSION (POAC) AND APPOINTMENT OF MEMBERS THERETO TO REVIEW AND PROVIDE INPUT TO THE FULL COMMISSION ON THE QUALIFIED RESPONSES TO THE REQUEST FOR QUALIFICATIONS (RFQ) FOR ASSIGNED ATTORNEY PURSUANT TO VALLEJO MUNICIPAL CODE SECTION 18.03.030B AND 18.03.030C**

---

**RECOMMENDATION**

Adopt a resolution establishing an ad hoc subcommittee of the Commission to review qualified responses from law firms interested in serving as the Assigned Attorney for the Commission.

**BACKGROUND AND DISCUSSION**

The Police Oversight and Accountability ordinance codified at Vallejo Municipal Chapter 18 sets forth the requirements and qualifications for the Assigned Attorney for the Commission. Section 18.03.030B says:

"The City Attorney, shall assign a qualified attorney to provide legal advice to the Commission on matters concerning the Commission ("Assigned Attorney") after seeking advice and input from the Commission at a noticed regular or special meeting. The Assigned Attorney may be either an employee of the City Attorney's Office or a contracted attorney or both."

That same section sets forth the qualifications for the Assigned Attorney. It says:

"The Assigned Attorney shall have the following minimum qualifications:

1. A municipal attorney with a minimum of five (5) years' experience representing California cities and/or other California public agencies as either a City Attorney, Assistant City Attorney, Deputy City Attorney or equivalent role;
2. Possession of a Juris Doctor from an accredited law school;
3. Experience in police personnel and disciplinary matters and the related California law;
4. Experience in human resources;
5. Experience in police oversight." (VMC section 18.03.030B)

In addition to the above mandatory qualifications, the Assigned Attorney must not be a person who:

1. is currently employed as a peace officer by any local, state or federal law enforcement agency or who has been employed as such or who is an immediate family member of any such person as defined in section 18.03.020B(3).
2. is a current or former employee of the Vallejo Police Department or any immediate family member of such a person as defined in section 18.03.020B(3);
3. is an attorney or law firm who represents or represented any person or entity in any proceedings or matters adverse to the City;

**Subject: ADOPT A RESOLUTION ESTABLISHING AN AD HOC SUBCOMMITTEE OF THE POLICE OVERSIGHT AND ACCOUNTABILITY COMMISSION (POAC) AND APPOINTMENT OF MEMBERS THERETO TO REVIEW AND PROVIDE INPUT TO THE FULL COMMISSION ON THE QUALIFIED RESPONSES TO THE REQUEST FOR QUALIFICATIONS (RFQ) FOR ASSIGNED ATTORNEY PURSUANT TO VALLEJO MUNICIPAL CODE SECTION 18.03.030B AND 18.03.030C**

- 
4. is a party to any proceeding or matter adverse to the City within the last five (5) years or any immediate family member of such a person as defined in section 18.03.020B
  5. is an attorney or law firm who represents or has represented peace officers at arbitration or before a Civil Service Commission or equivalent body involving disciplinary matters" (VMC section 18.03.030C)

Prior to this meeting, the City Attorney's office sent a Request for Qualifications to numerous California law firms who provide legal services to California cities and public agencies. The CAO expects to receive qualified responses from firms within the next 30 days.

The Commission previously requested that it consider the creation of an ad hoc committee to review qualified responses received from law firms. Once qualified responses are received, the CAO will convene the ad hoc committee and provide those responses for review. The ad hoc committee can then provide advice and input to the full Commission who, in turn, can provide final advice and input to the City Attorney.

**FISCAL IMPACT**

Hiring an outside law firm to provide legal services to the Commission will have a direct impact on the General Fund. Staff estimates annual expenditures of \$100,000 plus depending upon workload. Outside law firms in specialty areas typically charge between \$500 to \$750 per hour.

**ENVIRONMENTAL REVIEW**

**ATTACHMENTS**

|    |  |
|----|--|
| 1. | Resolution establishing Ad Hoc Subcommittee for review of responses to RFQ - CAO Stamp |
|----|--|

**CONTACT**

Veronica A. F. Nebb, City Attorney (707) 648-4456

[Veronica.Nebb@cityofvallejo.net](mailto:Veronica.Nebb@cityofvallejo.net)

Randy Risner, Chief Assistant City Attorney (707) 648-5431

[Randy.Risner@cityofvallejo.net](mailto:Randy.Risner@cityofvallejo.net)

Approved as to form:

By:  for \_\_\_\_\_  
Veronica Nebb, City Attorney

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION OF THE POLICE OVERSIGHT AND ACCOUNTABILITY COMMISSION (POAC) OF THE CITY OF VALLEJO ESTABLISHING AN AD HOC SUBCOMMITTEE FOR REVIEW OF QUALIFICATIONS FOR ASSIGNED ATTORNEY**

**WHEREAS**, Police Oversight and Accountability ordinance at Vallejo Municipal Code section 18.03.030 requires that the City Attorney select an Assigned Attorney after receiving advice and input from the POAC; and

**WHEREAS**, in order to effectively provide advice and input to the City Attorney, the POAC desires to create an ad hoc subcommittee for the express purpose of reviewing qualifications for the Assigned Attorney in response to a Request for Qualifications and providing advice and input to the full Commission; and

**WHEREAS**, the goals of the Ad Hoc Subcommittee will be to review all proposals for Assigned Attorney and report back to the POAC with advice and input so that the full Commission may provide its advice and input to the City Manager.

**NOW THEREFORE, BE IT RESOLVED:**

1. That the POAC hereby establishes the Assigned Attorney Ad Hoc Subcommittee.
2. That the Assigned Attorney Ad Hoc Subcommittee is hereby established for the duration of one (1) year, from the date of this Resolution.
3. That the duties of the Subcommittee shall be reviewing qualifications sent to the City Attorney in response to a Request for Qualifications for Assigned Attorney services and provide advice and input to the POAC which in turn can use the provided information to provide advice and input to the City Attorney concerning the Assigned Attorney.
4. That the following two members of the POAC are hereby appointed to the Assigned Attorney Ad Hoc Subcommittee:

\_\_\_\_\_

\_\_\_\_\_

PASSED AND ADOPTED by the Police Oversight and Accountability Commission of the City of Vallejo at a regular meeting thereof held on April 9, 2026, by the following vote:

AYES:

NOES:

ABSENT:



**DATE:** April 9, 2026  
**TO:** Mayor and Members of the City Council  
**FROM:** Andrew Murray, City Manager/Commission Secretary  
**SUBJECT:** **DISCUSSION AND PROVIDE ADVICE AND INPUT TO STAFF REGARDING THE REQUEST FOR PROPOSALS (RFP) FOR AN INDEPENDENT POLICE AUDITOR (IPA), DISCUSSION AND INPUT TO STAFF ON PROCESS FOR REVIEWING QUALIFIED RESPONSES**

**RECOMMENDATION**

Review the draft request for proposals (RFP) for an Independent Police Auditor (IPA), discuss, and potentially provide advice and input to staff on the RFP and process for review of the responses thereto.

**BACKGROUND AND DISCUSSION**

The City has adopted the Police Oversight and Accountability Ordinance ("Ordinance", attached) to advance police reform. The Ordinance establishes the office of the IPA, which may be a full-time, part-time, or contracted position. The City Manager shall appoint this position after seeking advice and input from the Commission. The duties of the IPA, as defined by the Ordinance, include reviewing certain investigatory reports involving sworn Police Department staff and providing a recommendation concerning the findings thereof; advising the Commission when a change or modification of Police Department policy or training is needed; and assisting the Commission in the preparation of its annual report.

The City Manager has determined that it will be most effective to hire an outside individual or firm to perform these duties for the City. A standard City process to procure professional services such as this is to issue a request for proposals (RFP) to solicit proposals from interested firms. City staff has created a draft RFP (attached) on which it invites the Commission's feedback. Once the feedback is received, the City Manager will issue the RFP.

The City Manager is also looking for input on the process for reviewing qualified responses to the RFP and providing advice and input to the City Manager on the selection of the IPA.

**FISCAL IMPACT**

The issuance of an RFP and the selection of an IPA to support the Commission will not have any direct fiscal impact. Once an individual or firm is selected to serve as the IPA, the City will need to provide funding and establish a contract for those services. City staff will request that City Council appropriate funding to support the work of the IPA. Staff will have a clearer sense of the cost of the IPA once proposals have been submitted and an individual or firm is selected to perform the work.

**ENVIRONMENTAL REVIEW**

**ATTACHMENTS**

|    |   |
|----|---|
| 1. | Vallejo IPA RFP March 2026 w Attachs - DRAFT v4 |
|----|---|

**CONTACT**

Date: April 9, 2026

**Subject: DISCUSSION AND PROVIDE ADVICE AND INPUT TO STAFF REGARDING THE  
REQUEST FOR PROPOSALS (RFP) FOR AN INDEPENDENT POLICE AUDITOR  
(IPA), DISCUSSION AND INPUT TO STAFF ON PROCESS FOR REVIEWING  
QUALIFIED RESPONSES**

**Page 2**

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Andrew Murray, City Manager/Commission Secretary (707) 648-4576  
[Andrew.Murray@cityofvallejo.net](mailto:Andrew.Murray@cityofvallejo.net)



**REQUEST FOR PROPOSALS FOR  
INDEPENDENT POLICE AUDITOR**

**RFP Issue Date:**  
**April 13, 2026**

**Proposal Submittal Due:**  
**5:00 PM, Friday, May 8, 2026**

City Manager's Office, City of Vallejo  
555 Santa Clara St.  
Vallejo, CA 94590

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# REQUEST FOR PROPOSALS FOR INDEPENDENT POLICE AUDITOR

## **I. INTRODUCTION**

The City of Vallejo (City) serves a diverse community of approximately 125,000 residents located approximately 30 miles north of San Francisco on Interstate 80 in Solano County on the Napa River and San Pablo Bay. The City provides public safety services through the Vallejo Police Department (VPD or Department), which consists of 114 funded sworn officer positions (currently, approximately 80 of which are filled) led by a Chief of Police appointed by the City Manager and Deputy Chief appointed by the Chief of Police.

The City and the California Department of Justice (CalDOJ) are parties to a Settlement Agreement that requires that the City implement numerous police reforms. One such requirement is the establishment of a Police Oversight and Accountability Commission (POAC, the "Commission"). The Police Oversight and Accountability Ordinance ("POA Ordinance"), which establishes the POAC, is attached hereto as Exhibit A. To support the POAC, the City is seeking the services of a qualified firm or individual to serve as the Independent Police Auditor (IPA).

Generally, the chosen IPA will, among other things, provide auditing services for use of force and bias incidents, review investigatory reports, make recommendations concerning police policies and training, and assist the Commission with its annual report.

## **II. BACKGROUND**

The IPA is an independent, contract role appointed by the City Manager after consultation with the Commission. The Commission's membership includes one member from each of the six Council Member Districts and an at large member appointed by the Mayor, as well as two alternate members. The Commission has the authority to perform the following:

1. Review all independent investigative reports and internal affairs reports concerning any Serious Incident involving sworn officers;
2. Request assistance and advice from the IPA on any matter within the Commission's subject matter jurisdiction;
3. Advise the City on police community relations issues;
4. Conduct public outreach and education;
5. Receive written complaints concerning police misconduct;
6. Make recommendations to the Chief of Police and City Manager concerning police disciplinary actions related to Serious Incidents;
7. Make recommendations concerning disciplinary actions related to bias;
8. Make recommendations concerning new police policies or modifications of existing policies;
9. Prepare and submit an annual report; and

10. Make recommendations to the City concerning the enactment of legislation about police matters.

The Commission will provide advice and input in the selection of the IPA.

### **III. MINIMUM QUALIFICATIONS OF THE INDEPENDENT POLICE AUDITOR**

Pursuant to the POA Ordinance, the IPA must have the following minimum qualifications:

1. A graduate degree in criminal justice, criminology, law, a juris doctor or a closely related field from an accredited college or university. Appropriate and relevant experience may substitute for the education requirement;
2. Experience in police practices, policy and training;
3. A demonstrated understanding of the Public Safety Officers Procedural Bill of Rights Act and other applicable laws related to sworn police officers; and
4. Experience in human resources.

In addition to the above minimum qualifications, there are additional mandatory requirements set forth in the Police Oversight and Accountability Ordinance which is attached to this RFP as an exhibit. Proposers are directed to refer to section 18.04.020 of the POA Ordinance to ensure they meet all qualifications. In addition, Proposers should refer to section 18.04.030 to review the complete duties of the IPA.

Before appointment, the IPA shall be subject to a full background check. The IPA will be required to sign a confidentiality agreement.

### **IV. SCOPE OF SERVICES**

The following scope of work is intended to cover the range of tasks the IPA may address over the course of the contract with the understanding that the amount of time spent on any one task may vary over time.

1. The IPA shall receive timely notification of Serious Incidents (as defined in section 18.02.010D of the POA Ordinance) to enable them to report to the scene of Serious Incidents for the purpose of first-hand observation. The IPA and the Chief of Police shall develop necessary protocols for notifying the IPA about the Serious Incident and granting scene access.
2. The IPA may be present during the interviews of witnesses and subjects during any investigation of a Serious Incident or other incidents assigned to an Independent Investigator or Internal Affairs.
3. The IPA shall review all final Investigatory Reports, whether by an Independent Investigator or Internal Affairs, associated with Serious Incidents and provide a recommendation concerning the findings thereof to the Commission and/or the Chief of Police.
4. The IPA shall review all final Investigatory Reports, whether by an Independent Investigator or Internal Affairs, relating to a Bias Incident (as defined in section

- 18.03.050C of the POA Ordinance) and may provide a recommendation concerning the findings thereof to the Commission and/or the Chief of Police.
5. The IPA may review all Investigatory Reports resulting from any investigation by either an Independent Investigator or Internal Affairs as may be referred to the IPA by the Chief of Police or the Commission. The IPA may provide a report with findings and recommendations on any such Investigatory Report to the Commission, the City Manager, the City Council and the Chief of Police.
  6. The IPA shall stay up to date concerning Vallejo Police Department policies and training and shall advise the Commission, the City Manager and the Chief of Police in writing when, in the opinion of the IPA, a change or modification of policy or training is needed. The IPA shall set forth in writing the policy or training that the IPA recommends be added, changed or modified and shall provide an analysis of the reasons they believe the change, modification or addition of policy or training is desirable. If a policy or training does not require a change or modification, the IPA shall so state.
  7. The IPA shall assist the Commission in the preparation of its annual report required in section 18.03.050R of the ordinance.
  8. The IPA may also prepare reports on the IPA's other activities for review by the Commission.
  9. The IPA shall have subpoena authority for records and other relevant material concerning any matter before them. No subpoena shall be issued, however, unless 30-days have elapsed since any such records were requested by the IPA and they have not been provided. Any such subpoena may be enforced in the Solano County Superior Court and the City Attorney or their designee shall take the necessary steps to enforce such a subpoena.

## **V. BACKGROUND CHECK REQUIREMENT**

Only the IPA or IPA personnel who successfully pass the City-required background check will be allowed to work as the IPA within the City's facilities. Background checks will be completed before the IPA is allowed facility and/or technology access. The City will be responsible for the payment of all fees associated with any background checks or fingerprinting. The IPA must be available to take any specialized training required by the City in order to work in certain City departments that have access to criminal justice information. The City will be responsible for providing access to training for the IPA. The time of the IPA to participate in such training shall be billed at the standard pricing agreed upon as a result of this RFP.

## **VI. PROPOSAL REQUIREMENTS**

Proposals shall include:

1. Scope of Services:
  - a) A summary of the methodology to be used for the work specified in Section IV.
  - b) A discussion of the methods of management, quality control, and

coordination that will be used to accomplish the work and tasks delineated in Section IV.

- c) An estimate of the level of effort required for each of the components in Section IV.
2. Qualifications, including education, experience, certifications of key personnel who will be assigned as the IPA or IPA staff, including subconsultants. Expertise applicable to the work specified in Section IV should be emphasized. Include the quantity, function and availability of personnel to be assigned to perform the work specified in Section IV, including any subconsultants. Proposers should ensure that they address each of the mandatory qualifications in Section III above.
3. Statement of past work completed as an IPA for other jurisdictions. Supply names of clients, clients' contact person and telephone number, and a description of the work done. The City will contact the Proposer's previous clients for additional information.
4. A list of five professional references including names, email addresses, mailing addresses, and telephone numbers.
5. If applicable, provide names of entities or individuals associated with the Proposer who may have a conflict of interest with the City or the VPD. Provide details and reasons. Proposers are subject to disqualification on the basis of conflict of interest as determined by the City.
6. A fee schedule for each job classification and for any subconsultant proposed.
7. A detailed statement explaining any provisions in Sections III or IV that the Proposer chooses not to address in the proposal.
8. Statement of Exceptions to the City standard Consultant and Professional Services Agreement, which is attached to this Request for Proposal as Exhibit B. If no exceptions to the standard contract language are requested, a Statement of Exceptions should still be included as part of the proposal stating that no exceptions are needed.

### **Non-Collusion Affidavit**

The Proposer declares, by signing and submitting a proposal, that the proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the proposal is genuine and not collusive or sham; that the Proposer has not directly or indirectly induced or solicited any other proposer to put in a false or sham proposal, and has not directly or indirectly colluded, conspired, connived, or agreed with any proposer or anyone else to put in a sham proposal, or that anyone shall refrain from proposing; that the Proposer has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the proposal price of the Proposer or any other proposer, or to fix any overhead, profit, or cost element of the proposal

price, or of that of any other proposer, or to secure any advantage against the City of anyone interested in the proposed contract; that all statements contained in the proposal are true; and, further, that the Proposer has not, directly or indirectly, submitted his or her proposal price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, proposal depository, or to any member or agent thereof to effectuate a collusive or sham proposal.

The intent of requirement is to prevent the collusion of multiple individuals and/or organizations in charging a higher-than-market price for the service sought through this RFP.

## **VII. SUBMITTAL REQUIREMENTS**

Proposers shall submit Items 1-8 as stated in **Section VI. - PROPOSAL REQUIREMENTS**. Proposer is required to indicate the *Designated Contact* in the proposal package. Include the designated contact individual's name, address, phone number(s) and email address.

One original and three copies of the proposal shall be submitted, printed double-sided on recycled-content paper, along with an electronic version in Adobe PDF format or similar open source file format. The original proposal must be clearly marked and contain original signatures and must be easily reproducible on a standard copying machine. The proposal shall be signed by an individual(s) authorized to execute legal documents on behalf of the Proposer.

Proposals must be received by the City of Vallejo City Manager's Office no later than **5:00 p.m. on Friday, May 8, 2026**. Late proposals will not be considered under any circumstance. Mail or deliver proposals to:

City of Vallejo  
Andrew Murray, City Manager  
City Manager's Office 555 Santa Clara St.  
Vallejo, CA 94590

Failure to provide all required submittals in completed form and/or a clearly marked original with original signatures may result in a proposal being found non-responsive and given no consideration. Proposals must be neat, complete, and fully address all information specified in **Section VI**.

For information concerning RFP questions, procedures and regulations (i.e., submission deadline, forms required, etc.), interested parties should contact:

City of Vallejo  
Randy Risner, Chief Assistant City Attorney  
Email: [randy.risner@cityofvallejo.net](mailto:randy.risner@cityofvallejo.net)

## **VIII. ESTIMATED SCHEDULE**

|   |                |
|---|----------------|
| <b>RFP Issue Date</b>                         | April 13, 2026 |
| <b>Deadline to Submit Questions</b>           | April 24, 2026 |
| <b>Proposal Submittal Due Date</b>            | May 8, 2026    |
| <b>Selection and Notification (Tentative)</b> | June 2026      |
| <b>Award of Contract (Tentative)</b>          | June 2026      |

## **IX. EVALUATION OF PROPOSALS**

Proposals must fully address the delineated requirements of this RFP. Proposals without sufficient submittal data to provide a complete evaluation will be considered non-responsive. Criteria for evaluation will include, but not be limited to, the following:

### **Criteria**

#### Responsive

Does the proposal meet the minimum requirements to be responsive (supplied all information required)?

#### Responsible

Does the proposal meet the minimum qualification requirements to be responsible (the documentation provided shows that the Proposer is capable of performing the work)?

#### Costs and Fee Schedule

The reasonableness of the costs and fee schedule and value.

#### Proposer Qualifications, Experience, and References

Proposer is qualified and available, including its staff members, throughout the contract term. References demonstrate the Proposer's qualifications and quality of work (including experience and expertise of assigned team).

#### Proposer's Proposal to Provide the Scope of Services in Section IV

Proposer's ability to provide comprehensive, well organized and executable plans, means, and methods to deliver the Scope of Services in Section IV.

#### Overall Quality of Proposal

Completeness of submitted documents and willingness to accept the terms and conditions in the City's standard Agreement.

#### Objectivity

Demonstration of ability to be fair, neutral and objective despite personal opinions.

The City reserves the unilateral right to amend this RFP in writing at any time. The City also reserves the right to cancel or reissue the RFP at its sole discretion. Additionally, the City may seek clarification or additional information from Proposers. All Proposers shall verify if any addendum for this project has been issued by the City and shall respond to the final written RFP and any exhibits, attachments and amendments. It is the Proposer's responsibility to ensure that all requirements of contract addendum are included in their submittal. This RFP does not commit the City to sign an agreement, award a contract, or to pay any costs incurred in the preparation of a response to this RFP. All documents, conversations, correspondence, etc. with the City are subject to the laws and regulations that govern the City. All proposals submitted in response to this RFP become the property of the City and public records, and as such may be subject to public review.

The City reserves the right to reject any or all proposals and the right to waive minor irregularities in any proposals other than requirements set forth in the POAC Ordinance (Vallejo Municipal Code Title 18). Waiver of one irregularity does not constitute waiver of any other irregularities.

Because this proposal is negotiable, all pricing data will remain confidential until after an award is made, and there will be no public opening and reading of proposals.

## **X. DELIVERABLES REQUIRED OF SELECTED CONSULTANT**

The selected Consultant(s) shall enter into a Consultant and Professional Services Agreement with the City and submit the following items within ten days of notice of award:

- City of Vallejo business license; to be maintained throughout length of contract.
- Copy of Certificate(s) of Insurance and endorsements in compliance with the requirements of Exhibit C of the Consultant and Professional Services Agreement and naming the City of Vallejo as an additional insured.
- Completed IRS W-9 tax form

## **XI. CONDITIONS**

### Permits and Codes

The selected Consultant shall comply with all laws, codes, rules and regulations of the State, County, and City, applicable to the work to be performed at the City's location(s). The Consultant, who shall pay all lawful charges, shall obtain all permits lawfully required.

### Insurance Requirements

Insurance requirements are set forth in Exhibit C, Consultant and Professional Services Agreement attached hereto as Exhibit B.

## **XII. EXHIBITS**

- A. Police Oversight and Accountability Ordinance
- B. City of Vallejo Standard Consultant and Professional Services Agreement

DRAFT

**ORDINANCE NO. 1869 N.C. (2d)**

**AN ORDINANCE OF THE CITY COUCNIL OF THE CITY OF VALLEJO ENACTING  
TITLE 18 ENTITLED POLICE OVERSIGHT AND ACCOUNTABILITY**

**WHEREAS**, in 2019, the City of Vallejo (“City”) hired the OIR Group to conduct an independent assessment of the operations and culture of the Vallejo Police Department (“VPD”); and

**WHEREAS**, in May 2020, the OIR Group completed its assessment of VPD and issued its report entitled Independent Assessment of Operations, Internal Review Systems, and Agency Culture (the “Report”); and

**WHEREAS**, the Report contains 45 recommendations to improve the VPD; and

**WHEREAS**, recommendation 45 in the Report recommends that “VPD should work with City leadership to create a model of independent oversight specifically tailored to meet the needs of Vallejo”; and

**WHEREAS**, in July 2020, the City entered into a Collaborative Agreement with the California Department of Justice to work on implementing the OIR recommendations, including recommendation 45; and

**WHEREAS**, in March 2022, the City Council directed staff to implement a community engagement plan to receive input from Vallejo residents about police oversight models; and

**WHEREAS**, City Staff conducted nine community engagement meetings including one in each of the six Council districts, one youth meeting, one business meeting and one meeting with the Chief’s Advisory Board; and

**WHEREAS**, City Staff also engaged with VPOA, CAMP and police staff; and

**WHEREAS**, City Staff complied the input they received and returned to City Council on August 23, 2022; and

**WHEREAS**, at the August 23 meeting, Staff presented its findings from community engagement as well as its research into police oversight in 17 different communities throughout the nation; and

**WHEREAS**, the City Council directed Staff to draft a police oversight ordinance specifically tailored for Vallejo and informed by the community engagement process, input from collaborative partners and input from the City Council; and

**WHEREAS**, the City Council also directed Staff to meet with and seek input from Common Ground, a non-profit, community-based organization that had drafted its own police oversight ordinance for consideration; and

**WHEREAS**, Staff met with Common Ground on three occasions to seek input and collaboration on the provisions of the City’s proposed ordinance; and

**WHEREAS**, Common Ground provided input which resulted in several significant changes to the proposed ordinance; and

**WHEREAS**, Staff also met with representatives of the Department of Justice to review the ordinance and seek input; and

**WHEREAS**, Staff also met with representatives of VPOA to seek input; and

**WHEREAS**, the City Council held a workshops about the ordinance on December 6, 2022 and again on December 12, 2022; and

**WHEREAS**, the City Council provided input at the workshops that resulted in revisions to the ordinance; and

**WHEREAS**, the ordinance is the result of significant community engagement and collaboration and has been informed by input from the public as well as from collaborative partners; and

**WHEREAS**, the ordinance is designed to meet the needs of the City, to comply with the City Charter and State Law and to be sustainable into the future.

**NOW THEREFORE, the City Council of the City of Vallejo does hereby ordain as follows:**

**SECTION ONE**

Title 18 of the Vallejo Municipal Code is hereby added and shall read as follows:

***TITLE 18 POLICE OVERSIGHT AND ACCOUNTABILITY***

**Chapter 18.01 Title and Purpose**

**18.01.010 Title**

This ordinance shall be known as the “Police Accountability and Oversight Ordinance.”

**18.01.020 Purpose**

In adopting this ordinance, it is the intent of the City of Vallejo (“City”) to promote the health, safety and wellbeing of all residents by utilizing the best possible police practices and policies while ensuring effective, efficient, trustworthy and just law enforcement. It is also the purpose of this ordinance to improve relations between law enforcement and the community of Vallejo and to continuously foster good relations between those who enforce the laws and the diverse community whom they serve. It is the desire of the City that the public will take pride in local law enforcement and those who enforce the laws will take pride in their service to the public.

## Chapter 18.02 Independent Investigations of Serious Incidents

### 18.02.010 Independent Investigations

- A. Any Serious Incident, as that term is defined in section 18.02.010D, involving a sworn police officer(s) employed by the Vallejo Police Department, shall be investigated by an independent investigator (“Independent Investigator”). Bias Incidents, as that term is defined in section 18.03.050C, as well as other potential policy violations may be investigated by the Independent Investigator as set forth in section 18.03.050I.
- B. The City Manager, City Attorney and Human Resources Director shall, by consensus, select a contracted Independent Investigator after seeking advice and input from the Community Police Oversight and Accountability Commission (“Commission”) at a noticed, open regular or special meeting. In order to improve efficiency and timeliness, the City Manager may create a standing list of approved investigators. Thereafter, investigators may be selected from the list without seeking further advice and input from the Commission. The list shall be updated on an annual basis. The list shall be a public record that the Commission or the City Manager may make available to the public online.
- C. Any person or firm selected as an Independent Investigator shall have the following experience:
  - 1. Be specifically trained in workplace investigations with at least five years of experience investigating workplace matters or public employment issues involving law enforcement agencies;
  - 2. Have an office or place of business within 100 miles of the City and be able to timely respond to Serious Incidents or other matters being investigated;
  - 3. Have significant experience providing expert testimony before arbitrators or courts and able to cite to examples.

The Independent Investigator must not be a person who:

- 1. Is a current employee of the City or any immediate family member of such a person as defined in section 18.03.020B(3);
- 2. has ever been a peace officer for any federal, state or local law enforcement agency;
- 3. is a current or former employee of the Vallejo Police Department or any immediate family member of such a person as defined in section 18.03.020B(3);
- 4. is an attorney or law firm who represents or represented any person in any proceedings or matters adverse to the City;

5. is a party in any proceedings or matters adverse to the City within the last five (5) years or any immediate family member of such a person as defined in section 18.03.020B(3).
6. Is an attorney or law firm who represents or has represented peace officers at arbitration or before a Civil Service Commission or equivalent body involving a disciplinary matter;

D. A Serious Incident shall be defined as any incident involving sworn members of the Vallejo Police Department and concerning:

1. an incident involving the discharge of a firearm at a person by a sworn officer(s);
2. an incident in which the use of force by a sworn officer(s) against a person results in death or great bodily injury. Great bodily injury shall have the meaning set forth in Penal Code section 12022.7(f) and shall include, but shall not be limited to, any physical injury requiring medical treatment in a hospital. For purposes of this section hospitalization shall not include merely for routine medical clearance;
3. an incident involving any in-custody death of any person which is preceded by the use of force against that person by a sworn officer, whether or not that force ultimately caused the death;
4. an incident involving the death of any civilian which is preceded by the use of force against that person by a sworn officer, whether or not that force ultimately caused the death;
5. an incident involving an allegation of sexual assault, by a sworn officer(s) against a person. "Sexual assault" shall have the meaning set forth in Penal Code Section 832.7(b)(1)(B)(ii) and "member of the public" shall have the meaning set forth in Penal Code section 832.7(b)(1)(B)(iii);
6. an incident involving an allegation of dishonesty of a sworn officer(s) relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another sworn officer(s), including, but not limited to, perjury, false statements, filing false reports, destruction of evidence, falsifying evidence, or concealing of evidence. All allegations of dishonesty, whether under oath or not, are included in this section.

E. The Independent Investigator shall conduct their investigation in parallel with any Internal Affairs investigation. All interviews conducted in any administrative investigation of Serious Incidents shall require the attendance of the Independent Investigator except that the initial interview conducted immediately after the occurrence of the Serious Incident may be conducted without the participation of the Independent Investigator if that person is unavailable.

1. All interviews of any subject or witness conducted by either the Independent Investigator or Internal Affairs shall be video and audio recorded. All such recordings shall be maintained by the City for a period of seven (7) years and may not be destroyed or disposed of before the expiration of that time period;
  2. All audio and video recordings of any interview of any subject or witness shall affirmatively be made available to the Independent Investigator immediately, or as soon as possible, and in no event exceeding five days from the date on which the recordings were made;
  3. The Independent Investigator may conduct their own independent interviews of subjects and witnesses.
- F. The Independent Investigator may conduct investigations of matters and incidents, other than Serious Incidents as set forth in sections 18.03.050I, 18.03.060F or as otherwise set forth in this Title.
- G. Every City employee identified as a subject and every City employee identified as a witness in any investigation required by this chapter, shall cooperate to the fullest extent with the Independent Investigator. Failure to participate in interviews, provide documents, to be truthful and to otherwise cooperate shall be a violation of this section and shall subject any non-cooperating subject or witness to discipline, including potential termination, at the discretion of either the Chief of Police, if the employee works for the police department or City Manager, if the employee works for any other City department.
- H. The Vallejo Police Department and every City department shall cooperate with the Independent Investigator in providing all evidence determined relevant by the Independent Investigator including, but not limited to, recorded interviews, body-worn camera footage, car camera footage, written statements, investigative reports and all other files, documents and records requested by the Independent Investigator. No member of the Vallejo Police Department, City employee, or elected or appointed official shall interfere with the Independent Investigator or the conclusions of the Independent Investigative Report. Notwithstanding anything herein to the contrary, the Independent Investigator is not entitled to any documents protected by the Attorney Client privilege or the Attorney Work Product privilege unless such privilege is waived. Further, the Independent Investigator has no authority to interview any City elected official or City employee concerning any matters discussed in a closed session City Council meeting or a Closed session Commission meeting. The Independent Investigator may not access documents or other potential evidence produced solely for use in a closed session meeting. A closed session meeting is any meeting lawfully allowed to be held by a legislative body as set forth in Government Code section 54954.5.
- I. In conducting any investigation, the Independent Investigator shall reasonably “follow the evidence” and shall not be bound by any scope of work in any contract with the City when it comes to reasonably identifying and investigating the misconduct of an officer as set forth in this Title.

- J. The Independent Investigator shall have subpoena authority for records and other relevant material related to any independent investigation. No such subpoena shall issue, however, unless 30-days have elapsed since the Independent Investigator requested such records and they have not been provided. Any such subpoena may be enforced in the Solano County Superior Court and the City Attorney, or their designee, shall take the necessary steps to enforce such a subpoena.

### **18.02.020 Investigative Report**

- A. The Independent Investigator shall prepare a written Investigative Report for each Serious Incident (“Independent Investigative Report”) or any complaint referred in accordance with the provisions of this Title. The Independent Investigative Report shall set forth findings of fact and a determination as to whether or not any Vallejo Police Department policies or City policies (the “Policy” or “Policies”) were potentially violated including any potential violations committed during the investigation (e.g., dishonesty during any investigative interview). The Independent Investigator shall make their findings based upon a preponderance of the evidence. The term “preponderance of the evidence” shall have the same meaning as found in the most recent version of CALJIC 2.50.2 or any successor section defining “preponderance of the evidence.”
- B. Upon conclusion of the investigation, the Independent Investigator shall submit a signed copy of the Investigative Report to the Commission, Independent Police Auditor (“IPA”), Chief of Police, the City Manager, the City Attorney and the Human Resources Director.
- C. Nothing herein is intended to imply that any person employed by the City, including the Chief of Police, the City Manager, the City Attorney or the Human Resources Director directs or supervises the Independent Investigator.
- D. The Independent Investigator shall conclude the investigation as promptly as possible. In no event shall the Independent Investigator conclude the investigation any later than 90 days prior to the running of the time limitation set forth in Government Code section 3304(d).
- E. Nothing herein shall supersede or impede a sworn officer’s rights under the Peace Officer’s Bill of Rights or under any current Memorandum of Understanding with the Vallejo Peace Officers Association or any other rights set forth in law.
- F. No City employee shall influence or attempt to influence the outcome of any independent investigation or the contents of any investigatory report prepared by the Independent Investigator. If, after investigation, it is discovered that a City employee engaged in such behavior, that employee shall be subject to discipline up to and including termination, at the discretion of the City Manager (if the employee is under the City Manager) or City Attorney (if the employee is under the City Attorney).

## **Chapter 18.03 Community Police Oversight and Accountability Commission.**

### **18.03.010 Creation of Community Police Oversight and Accountability Commission**

Pursuant to the provisions of the Charter of the City of Vallejo, there is hereby created a Community Police Oversight and Accountability Commission (the “Commission”) The Commission is an advisory board as described in section 403 of the Charter.

### **18.03.020 Membership and Terms of Community Police Oversight and Accountability Commission.**

- A. The Commission shall consist of seven (7) Members and two (2) Alternate Members appointed by the Mayor and City Council. Each Council Member shall appoint a Member who is living within that Council Member’s District. However, if in the opinion of the appointing Council Member, there are no qualified candidates or in order to fulfil the City’s obligation for diversity set forth in section 18.03.020C, the Council Member may select a candidate outside of their District. The Mayor shall appoint one Member from any District in the City. Council Member and Mayor appointments shall be subject to the ratification of a majority of the City Council. In the event majority approval is not obtained, the appointing Council Member or Mayor shall select a different individual to serve as a Member of the Commission, and the process shall continue until a majority vote is obtained. In addition to the aforementioned Members, the Mayor and City Council shall collectively appoint one youth member between the ages of 18-25 and one community member as Alternate Members. Alternate Members must meet all the qualifications and training requirements set forth herein and are subject to the same laws, rules and regulations as Members unless specifically modified by this Title. Alternate Members shall participate in Commission meetings but shall not vote unless there is an absence on the Commission as set forth in section 18.03.100F below.
- B. The City Council may not appoint any Member who:
1. is not a qualified elector in the City;
  2. is a current employee of the City or any immediate family member of such a person as defined in section 18.03.020B(3);
  3. is currently employed as a peace officer by any local, state or federal law enforcement agency or who has been employed as such or who is an immediate family member of any such person. For purposes of this Title, an immediate family member is a current spouse, a child, a parent or a sibling;
  4. is a current or former employee of the Vallejo Police Department or any immediate family member of such a person as defined in section 18.03.020B(3);
  5. is an attorney or law firm who represents or represented any person or entity in any proceedings or matters adverse to the City;

6. is a party to any proceeding or matter adverse to the City within the last five (5) years or any immediate family member of such a person as defined in section 18.03.020B(3);
  7. Is an attorney or law firm who represents or has represented peace officers at arbitration or before a Civil Service Commission or equivalent body involving a disciplinary matter;
  8. has ever been convicted of any of the following crimes:
    - i. Any crime requiring registration as a sex offender pursuant to any state or federal law;
    - ii. Any crime involving the abuse of a child;
    - iii. Any felony involving physical harm to a law enforcement officer.
- C. The City Council shall use its best efforts to appoint Members reflecting the race, color, religious, sex/gender, gender identity, sexual orientation, marital status, medical condition, veteran/military status, national origin, ancestry, disability, genetic information and age diversity of the City of Vallejo. In soliciting applications from the public for Commission membership, the City shall target application solicitations to community groups specifically representing the diversity of the City.
- D. Each Member shall serve as a volunteer without pay.
- E. Applications for membership on the Commission shall be through the process defined in section 2.02.350 of this code and any applicable state law for publicizing openings for appointments to boards and commissions. All applications shall be submitted to the City Clerk who will distribute them to the Mayor and all members of the City Council. The Council District in which the applicant lives shall be shown clearly on the front of each application. The City Council shall conduct interviews of eligible applicants at a public meeting that has been noticed at least 72-hours in advance.
- F. The term for each Member shall be as set forth in section 2.26.030 of this code including the staggering provisions in 2.26.030B. Alternate members shall not be subject to the staggering requirement set forth in section 2.26.030. Individual Council Members, the Mayor and the City Council as a whole may be referred to herein, either collectively or individually, as the "Appointing Authority."
- G. A Member may hold office for no more than eight consecutive years. Former Members may be reappointed after a break in service of at least two years.
- H. Alternate Members may serve only one, four-year term and shall not be reappointed as an Alternate Member. An Alternate Member may be appointed as a regular Member after any length of service as an Alternate Member. Service as an Alternate Member shall not count toward the eight concurrent year limitation for service as a Member.

- I. Notwithstanding anything to the contrary herein, each Member and Alternate Member shall continue to serve until their replacement is appointed.
- J. Unless modified by this ordinance, Members may be removed as set forth in Chapter 2.26. In addition, a Member shall be removed if any Member is convicted of any felony or any crime as set forth in section 18.03.020B(7).
- K. A Member shall be removed by the City Council if that Member discloses confidential information regarding any police officer, any police investigation, any information received by Members in closed session, any information that is protected by the attorney/client privilege or any other City information provided to the Member in confidence and that is prohibited from disclosure by state or federal law or the disclosure of which would subject the City to liability. If a Member is suspected of disclosing any such confidential information, the City Manager at the request of the City Council or upon the City Manager's own recommendation, may initiate an investigation. If the investigator finds by a preponderance of the evidence, as that term is defined in CALJIC 2.50.2, that the Member willfully disclosed such confidential information or fails to take affirmative action to protect such information from disclosure, then the City Council shall remove the Member and a new Member shall be appointed by the City Council using the process set forth herein.
- L. In the event of a vacancy caused by resignation and/or disability or death, the Appointing Authority may appoint a replacement to fill out the remaining period of the term pursuant to Chapter 2.26 of this code.
- M. At the City's sole cost and expense, all Members shall be subjected to a live scan fingerprint check, to include a check of FBI and California Department of Justice criminal databases before beginning service on the Commission and at each appointment or reappointment thereafter or at the discretion of a majority of the City Council. A Member's appointment shall be revoked if the background check reveals that the Member has been convicted of any of the crimes set forth in section 18.03.020B(7).. To the extent allowed by law, any live scan report shall be kept confidential.

**18.03.030 – Commission staff.**

- A. The City Manager shall appoint a member of City staff to support the Commission ("Commission Secretary") after seeking advice and input from the Commission at a noticed, regular or special meeting. Said meeting shall be held in either open or closed session as legally required when discussing personnel matters. The Commission Secretary shall prepare the Commission's agendas, prepare staff reports and supporting materials, serve as the secretary of the Commission, keep the Commission's minutes and be the Commission's custodian of records. In preparing agendas for the Commission, the Chair and vice-chair shall convene to set the Agenda and shall consult with the Commission Secretary as well as the Assigned Attorney, as that term is

defined below, for advice concerning the legality of the Agenda. The Commission Secretary may not be an employee, either civilian or sworn, of the Vallejo Police Department. The Commission Secretary shall provide administrative support only and shall not provide any direction to the Commission or attempt to influence matters of policy.

B. The City Attorney, shall assign a qualified attorney to provide legal advice to the Commission on matters concerning the Commission (“Assigned Attorney”) after seeking advice and input from the Commission at a noticed regular or special meeting. The Assigned Attorney may be either an employee of the City Attorney’s Office or a contracted attorney or both. The Assigned Attorney shall review all agenda items for the Commission to ensure compliance with the Ralph M. Brown Act and any other applicable laws and regulations. The Assigned Attorney shall also ensure that the items on the agenda do not exceed the subject matter jurisdiction of the Commission as set forth in this Title. In addition, the Assigned Attorney shall attend and provide legal advice at all regular and special meetings of the Commission. The Assigned Attorney shall also attend all Commission closed session meetings. In the absence of the Assigned Attorney, the City Attorney, at their discretion, may appoint an alternate to temporarily perform the duties of the Assigned Attorney. The Assigned Attorney shall provide legal advice only and shall not provide any direction to the Commission or attempt to influence matters of policy. The Assigned Attorney shall not be an attorney directly involved in litigation matters involving the Vallejo Police Department. The Assigned Attorney shall have the following minimum qualifications:

1. A municipal attorney with a minimum of five (5) years’ experience representing California cities and/or other California public agencies as either a City Attorney, Assistant City Attorney, Deputy City Attorney or equivalent role;
2. Possession of a Juris Doctor from an accredited law school;
3. Experience in police personnel and disciplinary matters and the related California law;
4. Experience in human resources;
5. Experience in police oversight.

C. The Assigned Attorney may not be a person who:

1. is currently employed as a peace officer by any local, state or federal law enforcement agency or who has been employed as such or who is an immediate family member of any such person as defined in section 18.03.020B(3).;
2. is a current or former employee of the Vallejo Police Department or any immediate family member of such a person as defined in section 18.03.020B(3);

3. is an attorney or law firm who represents or represented any person or entity in any proceedings or matters adverse to the City;
  4. is a party to any proceeding or matter adverse to the City within the last five (5) years or any immediate family member of such a person as defined in section 18.03.020B(3);
  5. Is an attorney or law firm who represents or has represented peace officers at arbitration or before a Civil Service Commission or equivalent body involving disciplinary matters;
- D. The Chief shall assign themselves or a Deputy Chief to serve as a Police Liaison to the Commission. The Police Liaison shall be responsible for answering questions from Members, providing information to Members and ensuring that Members have access to records and information in possession of the Vallejo Police Department as needed by the Commission to perform its duties and functions. The Police Liaison shall attend all meetings of the Commission. The Police Liaison may attend closed session meetings at the discretion of the Commission.
- E. At least one member of the City Council shall be appointed as a Commission liaison in the same manner as other council liaison appointments to boards and commissions.

#### **18.03.040 Commission Training**

- A. Within nine (9) months of appointment, each Commissioner shall attend training provided/funded by the City as follows:
1. regarding the provisions of the Vallejo City Charter and with the Vallejo Municipal Code applicable to Department members and/or operations;
  2. regarding the California Political Reform Act (Cal. Gov't Code section 81000, *et seq.*), Vallejo's Conflict of Interest Code, the California Brown Act (Cal. Gov't Code section 54950, *et seq.*), and the California Public Records Act (Cal. Gov't Code section 6250, *et seq.*), and all local rules relating thereto;
  3. regarding basic principles of constitutional due process and administrative hearings, as the same relate to peace officers;
  4. regarding the legal requirements for maintaining the confidentiality of personnel records and other confidential documents or information;
  5. regarding constitutional rights guaranteed to all residents as such rights are affected by law enforcement;

6. regarding the Meyers Milias Brown Act (Cal. Gov't Code section 3500, *et seq.*) (MMBA), the Public Employment Relations Board's administration of the MMBA, the City's Memoranda of Understanding with the Vallejo Police Officers' Association (VPOA), Confidential Administrative Management Personnel (CAMP), International Brotherhood of Electrical Workers (IBEW) and other relevant City personnel policies and procedures applicable to the Vallejo Police Department and City employees;
7. regarding the California Public Safety Officers Procedural Bill of Rights Act (Cal. Gov't Code section 3300, *et seq.*), and other California Code sections pertaining to peace officers' rights;
8. regarding anti-discrimination, harassment, bias, diversity, inclusion and racial equity;
9. regarding procedural justice;
10. regarding trauma informed care.

B. In addition to the above, Members shall:

1. Complete Peace Officer Standards and Training (POST) or equivalent training relating to Search and Seizure and Arrest;
2. Complete Crisis Intervention Training including review of the Department's training relating to same;
3. Participate in a Department "ride along" and attend a police training program with curriculum designed by the Chief of Police after consultation with the Commission;
4. Attend within 18 months of appointment, or as soon thereafter as possible, the annual conference offered by the National Association for Civilian Oversight of Law Enforcement ("NACOLE") or a similar organization focused on police oversight, if and as budgeted by the City Council.

Nothing herein shall prevent Members from receiving training outside of Commission meetings and it is specifically authorized that Members may receive training from outside consultants, from the police department, from POST, and online if the Assigned Attorney concludes that such training meets the requirements set forth in this ordinance.

- C. Members shall not participate on the Commission until the training identified in 18.03.040A(1-9) above is completed. Members may participate in Commission matters without the training in 18.03.040B(1-4). Members shall complete the required training (excepting Item B. 4. above which is optional) within nine (9) months from the date of

appointment unless said time is extended by the City Council. In the event a Member fails to complete the required training during the time allotted by this Chapter, that Member shall be removed and replaced with a new appointment. Notwithstanding anything to the contrary herein, Members may attend Commission meetings before completing the required training for the purpose of receiving such training.

- D. The City Manager, Police Chief and City Attorney shall timely assist the Commission in scheduling and facilitating all training required by this section so that Commissioners have the opportunity to complete the training within the nine-month period without hindrance from the City.
- E. To the extent possible, Commission training sessions shall be video recorded so that Commissioners who are unable to attend a training session may make up the missed training by watching the video. Video recordings of training sessions shall be available to the public.

### **18.03.050 Commission powers, duties and functions.**

The powers, duties and functions of the Commission are as follows:

- A. To review all Independent Investigative Reports and all Internal Affairs reports and all supporting evidence used by the Independent Investigator or the Internal Affairs investigator concerning any Serious Incident and provide a recommendation concerning the findings thereof, to the Chief of Police and the City Manager. While the Commission shall not be limited in its recommendation, it shall specifically either agree or disagree with the factual findings and proposed policy violation conclusions and state the reasons therefore. The Commission may also, upon review of the Independent Investigative Report and/or the Internal Affairs report, recommend further investigation. All reviews and recommendations shall be submitted by the Commission to the Chief of Police and the City Manager within 60 days of the submission of the Independent Investigative Report to the Commission. In no event shall the recommendation be submitted to the Chief of Police and the City Manager less than 30 days prior to the running of the time limitation set forth in Government Code section 3304(d). In the event it is not received within the aforementioned time period, the Commission shall be deemed to have declined review;
- B. To request the assistance and advice of the IPA on any matter within the subject matter jurisdiction of the Commission;
- C. To review the investigatory report provided by the Chief of Police as set forth in section 18.03.060 E. (whether prepared by the Independent Investigator or the Internal Affairs Division) relating to all complaints involving bias, discrimination, any threat or intimidation or coercion (or any attempt thereof), relating to sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, gender identity, citizenship, primary language, military/ veteran status or immigration status, (“Bias Incident”) by a sworn officer whether in the performance of their duties or otherwise and provide a recommendation concerning the

findings and/or policy violations thereof, to the Chief of Police and the City Manager. The Commission may also, upon review of the investigative report, recommend further investigation and/or changes in policy and training. All recommendations shall be submitted by the Commission to the IPA and the Chief of Police within 60 days of the submission of the Investigative Report to the Commission. In no event shall the recommendation be submitted to the Chief of Police less than 30 days prior to the running of the time limitation set forth In Government Code section 3304(d). In the event it is not received within the aforementioned time period, the Commission shall be deemed to have declined review;

- D. To advise the Mayor, City Council, City Manager and Chief of Police on all police community relations issues;
- E. To conduct public outreach to educate the community on the purpose of the Commission;
- F. To create and maintain, with the assistance of the City's Information Technology department, a Commission webpage with information about the Commission's powers, duties and functions as well as other information related to the subject matter jurisdiction of the Commission;
- G. To receive written complaints, including anonymous complaints, from the public alleging misconduct by sworn Vallejo Police Department Officers. The Commission Secretary shall immediately forward (within 2 business days of receipt) all such complaints delivered to the Commission to the Chief of Police for investigation and the Chief of Police shall confirm to the Commission that the complaint has been received and logged by the Department. All complaints involving Serious Incidents, as defined in Sections 18.02.010D shall also be forwarded by the Commission to the City Manager, Human Resources Director and City Attorney for investigation by an Independent Investigator as set forth in Chapter 18.02;
- H. The Chief of Police, or any other City Department that receives public complaints shall immediately forward (within 2 business days) or cause to be forwarded to the Commission, any complaints from the public they have received concerning misconduct by Sworn Officers of the Police Department. For purposes of forwarding complaints to the Commission, the Chief of Police or other receiving Department may forward them to the Commission Secretary.
- I. The Commission may request that any complaint be investigated by an Independent Investigator, whether said complaint was initially received by the Commission, by the Police Department or by another City Department. Requests for referral to an Independent Investigator shall be granted for any Serious Incident or Bias Incident. The Commission may also request that the Chief of Police refer complaints relating to other matters to an Independent Investigator and may appeal to the City Manager if the Chief declines the referral to an Independent Investigator;

- J. Recognizing that individuals may feel uncomfortable filing complaints with the Vallejo Police Department, to make complaint forms available to the public by posting complaint forms and information about the complaint process on the Commission webpage and at other public locations, as an alternative to filing complaints with the Vallejo Police Department and accepting the online filing of complaints, including anonymous complaints;
- K. To ensure that the City and the Vallejo Police Department makes information about the complaint process and appropriate forms available at other public locations and to provide recommendations to the City and the Vallejo Police Department about the complaint process;
- L. To review and make recommendations concerning the factual findings contained in any investigation of any filed complaint to the Chief of Police and/or City Manager;
- M. To review and/or make a recommendation to the Chief of Police or City Manager concerning whether disciplinary action should be imposed relating to any violation of policy found to exist in any investigatory report of a Serious Incident or Bias Incident or other incidents referred to the Independent Investigator;
- N. To review and provide a recommendation to the Chief of Police in closed session concerning any draft Notice of Intended Discipline (NOID) for any Serious Incident or Bias Incident. The Chief shall consider any such recommendation before imposing any discipline within the time frame set forth in Government Code section 3304(d);
- O. To review, advise and provide recommendations regarding any new Police policy or concerning any modification or revision of any such policy and to independently propose new policies in their discretion. The Chief of Police shall submit all proposed new policies or revisions to existing policies to the Commission for review before implementation of said policies or revisions. The Commission shall provide its advice and recommendation to the Chief of Police within 45 days of the submission of any new or revised policy. If the Chief of Police receives no recommendation from the Commission concerning the proposed policy or revision within the 45-day time frame, the Chief may move forward with implementation. This requirement shall not apply to Special Orders of the Chief of Police which may be implemented without a recommendation from the Commission. Notwithstanding the foregoing sentence, the Chief of Police shall not use Special Orders to circumvent the policy-review provisions set forth herein. If a Special Order has been in existence for more than six (6) months, the Chief of Police shall seek a review and recommendation from the Commission concerning the Special Order;
- P. To request a report from the Chief of Police regarding existing police training. To review, advise and provide recommendations to the Chief of Police on any new or revised police training deemed advisable by the Commission. The Chief of Police shall provide a report to the Commission concerning the implementation or non-implementation of any recommendation by the Commission;

- Q. To review and comment upon the Vallejo Police Department's policy and/or practice of publishing data sets and reports regarding various Vallejo Police Department activities, submit comments concerning those data sets and reports to the Chief of Police and request that the Chief of Police consider said recommendations and provide a written response to the Commission;
- R. To prepare and submit an annual report (the "Commission's Report") to the Mayor and City Council, with copies to the City Manager and Chief of Police, on Commission activities. Said report shall be submitted for the previous year on or before April 15 of each calendar year. The Commission's Report shall be made available to the public. The Commission, in its discretion and after consultation with the Assigned Attorney, may also produce a confidential report addressing confidential matters and present the same to the Chief of Police. The City Council shall review and accept any such reports submitted to them by the Commission in either open session or closed session as legally appropriate;
- S. To make recommendations to the City Council for enacting legislation or regulations that will further the goals and purposes of this Title. To the extent legally permissible, the Commission shall discuss such recommendations in public meetings of the Commission;
- T. To review and advise upon any of the City Council's proposed legislation or regulations related to the subject matter jurisdiction of the Commission. Before consideration or introduction of any such proposed legislation, the City Attorney or designee, shall submit such proposed legislation to the Commission for review. Once submitted, the Commission shall have sixty (60) days to submit any recommendations to the City Attorney unless such time is extended by agreement with the City Attorney. If deemed necessary by the City Council, the City Council may direct that the Commission provide recommendations in a shorter time period. The City Attorney shall include the Commission's recommendations when the legislation is presented to the City Council;
- U. Solicit and consider input from the public concerning public interactions with the Vallejo Police Department;
- V. To refer any matter within the Commission's subject matter jurisdiction that the Commission in its discretion determines warrants additional investigation or action to the Solano County District Attorney, the California Attorney General or to any other state or federal agency responsible for investigating and/or prosecuting wrongdoing by sworn police officers;
- W. In accordance with the City's record retention policy, and the requirements of *City of San Jose v. Superior Court* (2017) 2 Cal.5<sup>th</sup> 608, to retain and maintain all electronic communications to, from and/or copied to any Commissioner on the Commissioner's personal email, text messages and social media concerning all matters of City business, whether or not within the subject matter jurisdiction of the Commission, and to provide such communications to the City upon request;

- X. The Commission shall have authority to lobby the State Legislature, the Governor, State Departments, Congress and other Federal offices concerning any matter within their subject matter jurisdiction however, they shall make clear in any such communication that their lobbying efforts are on their own behalf, rather than on behalf of the City, unless they have sought and received City Council approval in advance;
- Y. The Commission shall have subpoena authority for records and other relevant material concerning any matter before them. No subpoena shall issue however, unless 30 days have elapsed since any such records were requested by the Commission and the have not been provided. Any such subpoena may be enforced in the Solano County Superior Court and the City Attorney or their designee shall take the necessary steps to enforce such a subpoena;
- Z. All amounts allocated to the Commission for expenditures are at the discretion of the City Council. Before any submission of the Commission's annual budget to the City Council, the City's Finance Director shall submit the proposed budget to the Commission for review. The Commission shall submit any recommendations to the Finance Director and to the City Council within 45 days of receipt. If the Commission does not submit its recommendation within the 45-day time period, the City Council may adopt the budget without considering a Commission recommendation;
- AA. To the extent permitted by California state law, the Commission shall, upon request, release to the public all discloseable public records within the possession of the Commission;
- AB. The Commission may hold public study sessions concerning any matter within its subject matter jurisdiction;
- AC. All recommendations by the Commission shall be by written resolution adopted by a majority of its voting members. Resolutions dealing with confidential matters shall remain confidential to the extent required by law.

**18.03.060 Obligations of the Chief of Police and Police Personnel**

- A. The Chief of Police and Vallejo Police Department personnel shall cooperate fully with the Commission and the IPA on all matters within the subject matter jurisdiction of the Commission. The Chief of Police shall provide all records requested by the Commission and the IPA related to any matter currently before the Commission and being reviewed by the Commission and/or the IPA. The Chief of Police or their designee shall appear before the Commission upon request of the Commission and give reports and/or answer questions of the Commission relating to matters within the subject matter jurisdiction of the Commission.
- B. The Chief of Police may make a preliminary determination on any disciplinary matter involving a Serious Incident or Bias Incident but, shall not impose any discipline until the

Commission makes its recommendation on the Independent Investigation and the Chief considers the recommendation.

- C. The Chief of Police shall report to the Commission their final determination on any policy violation and any resulting disciplinary matter concerning a Serious Incident or Bias Incident. In the event the Chief of Police does not follow the recommendation of the Commission relating to a policy violation they shall provide a justification to the Commission in closed session.
- D. The Commission may report any failure of the Chief of Police, or any other City employee, to cooperate fully with the Commission to the City Manager. The City Manager, in their discretion, may impose discipline upon the Chief of Police, or other City employee reporting to the City Manager for any willful or unlawful failure to cooperate.
- E. To submit the investigatory report (whether prepared by the Independent Investigator or the Internal Affairs Division) relating to all complaints involving a Bias Incident by a sworn officer, whether in the performance of their duties or otherwise, to the Commission for review and recommendation.
- F. The Chief of Police, in their discretion, may request that an Independent Investigator be assigned to investigate any other potential policy violation not referenced in this Title and provide the investigation to the Commission for a recommendation.
- G. In the event the Chief of Police declines to follow any recommendation of the Commission on any matter within the subject matter jurisdiction of the Commission, the Chief of Police shall provide a written justification to the City Manager and to the City Council. After reviewing the Chief's written justification, the City Manager may, in their discretion, direct the Chief of Police to follow the Commission recommendation.

#### **18.03.070 Reports by Chief of Police**

- A. The Chief of Police shall prepare and present an annual report to the Commission concerning matters of investigation of complaints, Serious Incidents, Bias Incidents, policy review and training. Said report shall be submitted to the Commission, with copies to the City Manager and IPA no later than January 30 of each year. The Commission may use the Chief's Report in preparing its own annual report as required by section 18.03.050R of this Title.
- B. The Chief of Police shall provide a confidential quarterly report to the Commission and to the City Manager on all disciplinary matters. The Commission shall review and discuss all such reports in either open session or closed session as legally applicable, and, in their sole discretion, make recommendations to the Chief of Police and the City Manager concerning the matters set forth in such reports.

- C. The Chief of Police shall prepare and submit a quarterly report to the Commission and the City Manager on the outcome of all complaints. The Commission shall review and discuss all such reports in either open session or closed session as legally applicable, and, in their sole discretion, make recommendations to the Chief of Police and the City Manager concerning the matters set forth in such reports.

**18.03.080 Access to Confidential Information**

- A. Subject to applicable law, the Commission shall have access to all Vallejo Police Department files and records and to all files and records of other City offices, departments or agencies that are within the subject matter jurisdiction of the Commission and which are relevant to the performance of the Commission's duties. Notwithstanding the foregoing, the Commission shall not have access to documents that are protected by the Attorney Client or Attorney Work Product privilege unless authorized by the City Attorney and City Council. Further, in connection with the review of investigatory reports and disciplinary matters the Commission may have limited electronic access as set forth in B below, to records considered to be police personnel records as defined in Penal Code sections 832.8(a)(4) and 832.8(a)(5). In addition, the Commission shall not have access to the entirety of any individual personnel files of sworn employees of the Vallejo Police Department. For purposes of this section, Attorney Client and Attorney Work Product privilege shall apply to information directly related to and prepared for the purposes of litigation including, but not limited to, expert reports, the City's litigation strategy or legal opinions prepared for the City Council.
- B. Confidential documents, files and records shall be made available to Members in electronic format on a secure server and shall be password protected. Each Member shall have a unique password that identifies the accessing Member. Printing of such documents shall be disabled if technologically possible. Members shall be prohibited from printing, photographing or otherwise copying any such records. Printing, photographing or otherwise copying or dissemination of such records in any manner by any Member shall be a violation of section 18.03.090 below and shall subject the Member to the consequences and punishment set forth herein

**18.03.090 Confidentiality.**

- A. All personnel records, investigative reports, confidential documents generated within the City of Vallejo Police Department or within the City, information relating to closed session deliberations of the Commission, and any other privileged matters, shall be kept confidential by Members of the Commission.
- B. Any Member found to have willfully disclosed confidential records or information or to have failed to take affirmative steps to prevent the disclosure of confidential records or information shall be removed by the City Council as set forth in section 18.03.020J of this chapter. If, after investigation as set forth in 18.03.020J it is determined by a preponderance of the evidence, as that term is defined in CALJIC 2.50.2, that a Member disclosed confidential records or information, in addition to being removed from the

Commission, the Member shall be subject to an administrative fine of up to \$2,500 for violation of this section.

**18.03.100 – Commission meetings and governance.**

- A. Initially, the Commission shall hold regular meetings on the [REDACTED] of every month beginning with the first full month after appointment of the Members. The Commission may schedule and hold any number of Special Meetings. The Commission may modify its meeting schedule by adoption of bylaws as set forth in section 18.03.110 herein. Provided there is no business for the Commission to conduct at a regular meeting (i.e., there are no items requiring Commission action or discussion on the agenda), the Commission Secretary may cancel a regular meeting as long as such cancellation occurs at least seventy-two hours before the scheduled start of the meeting. The Commission Secretary may also cancel any meeting in the event of an emergency declared by the emergency authority of the city, state or federal government. If there is a need to cancel a meeting for any other reason, the Commission Secretary may only cancel such meeting with the written consent of the Commission chair and vice chair. Any meeting cancellation must be in writing and must clearly state the reason for the cancellation. The Commission may change this cancellation policy by adopting City Council approved bylaws as set forth in section 18.03.110 herein. All meetings of the Commission shall be subject to the Ralph M. Brown Act and, to the extent possible, be video recorded and publicly broadcast.
- B. At the first meeting of the Commission, Members shall select from among themselves a Chair and Vice Chair.
- C. The Commission may not continue with any meeting unless a quorum is present. Four Members shall constitute a quorum.
- D. All actions of the Commission require a majority vote of Members present.
- E. The Commission shall consider all personnel and otherwise confidential matters in closed session to the extent permitted by law.
- F. In the event a Member is absent at a Commission Meeting for any reason, an Alternate Member shall be entitled to vote in the Member's absence. If more than one Member is absent from a Commission Meeting, both Alternate Members shall participate in voting at the meeting and each shall have one vote. If only one Member is absent, the Secretary shall draw lots to determine which Alternate Member will participate in voting.
- G. Upon initial appointment of all Members after adoption of this ordinance, Members shall meet at least twice per month for the training prescribed herein until such training is complete. Thereafter, trainings shall be held as needed to update previous training or to train new Members. These initial training meetings may be either regular or special meetings.

### **18.03.110 – Bylaws**

The Commission may recommend the adoption of bylaws governing its operations to the City Council. Any such bylaws shall recognize the subject matter jurisdiction of the Commission as set forth in this Chapter 18.03 and shall not modify or alter said subject matter jurisdiction. Commission bylaws shall be submitted to the City Council for adoption or amendment before implementation thereof by the Commission.

### **18.03.120 – General rules and regulations.**

The Commission shall comply with the general rules and regulations for all boards, commissions and committees as set forth in Chapter 2.26 of this code unless otherwise modified by this Chapter 18.03 or as provided by ordinance or resolution of the City Council.

## **Chapter 18.04 Independent Police Auditor**

### **18.04.010 Creation of Office of Independent Police Auditor**

There is hereby created the office of Independent Police Auditor (IPA). The IPA may be a full-time, part-time or contracted position at the discretion of the City Manager. The City Manager shall appoint this position after seeking advice and input from the Commission. Notwithstanding anything in this code to the contrary and notwithstanding the amount of any such contract, all contracts for an Independent Police Auditor shall be approved by the City Council. Recognizing the importance of the role of the IPA, the City Council shall, in good faith review any such contract submitted to it by the City Manager and shall not unreasonably withhold approval.

### **18.04.020 IPA Qualifications**

The IPA shall have the following minimum experience and/or training:

- A. Possession of a graduate degree in Criminal Justice, Criminology, Law, a Juris Doctorate or a closely related field from an accredited college or university. Appropriate relevant experience may substitute for the education requirement;
- B. Experience in police practices, policy and training;
- C. Experience and understanding of the Police Officers Bill of Rights and other applicable laws related to sworn employees;
- D. Experience in human resources;
- E. Other experience in the discretion of the City Manager.  
Prior to appointment, the IPA shall submit to a criminal background check as a condition of appointment. The IPA may not be:

1. an individual currently employed by the City or any immediate family member of such a person as defined in section 18.03.020B(3);
2. an individual who is a Consultant, for other purposes than the IPA, retained by the City within the preceding 12 months;
3. A current or former sworn officer with the Vallejo Police Department or any immediate family member of such a person as defined in section 18.03.020B(3);
4. an individual currently employed as a Peace Officer by any other local, state or federal law enforcement agency or who has ever been employed as such r any immediate family member of such a person as defined in section 18.03.020B(3);
5. an attorney or law firm who is representing or has represented a party in any proceedings or matters adverse to the City,
6. an individual who is or was a party to any proceedings or matters adverse to the City or is an immediate family member to any such person within the last five (5) years.
7. Is an attorney or law firm who represents or has represented peace officers at arbitration or before a Civil Service Commission or equivalent body involving disciplinary matters;

#### **18.04.030 Duties of the IPA**

The IPA shall have the following minimum duties:

- A. The IPA shall receive timely notification of Serious Incidents to enable them to report to the scene of Serious Incidents for the purpose of first-hand observation. The IPA and the Chief of Police shall develop necessary protocols for notifying the IPA about the Serious Incident and granting scene access.
- B. The IPA may be present during the interviews of witnesses and subjects during any investigation of a Serious Incident or other incidents assigned to an Independent Investigator or Internal Affairs.
- C. The IPA shall review all final Investigatory Reports, whether by an Independent Investigator or Internal Affairs, associated with Serious Incidents and provide a recommendation concerning the findings thereof to the Commission and/or the Chief of Police relating thereto.
- D. The IPA shall review all final Investigatory Reports, whether by an Independent Investigator or Internal Affairs, relating to a Bias Incident and may provide a recommendation concerning the findings thereof to the Commission and/or the Chief of Police relating thereto.
- E. The IPA may review all investigatory reports resulting from any investigation by either an Independent Investigator or Internal Affairs as may be referred to the IPA by the

Chief of Police or the Commission. The IPA may provide a report with findings and recommendations on any such investigatory report to the Commission, the City Manager, the City Council and the Chief of Police.

- F. The IPA shall stay up to date concerning Vallejo Police Department policies and training and shall advise the Commission, the City Manager and the Chief of Police in writing when, in the opinion of the IPA, a change or modification of policy or training is needed. The IPA shall set forth in writing the policy or training that the IPA recommends be added, changed or modified and shall provide an analysis of the reasons they believe the change, modification or addition of policy or training is desirable. If a policy or training does not require a change or modification, the IPA shall so state.
- G. The IPA shall assist the Commission in the preparation of its annual report required in section 18.03.050R.
- H. The IPA may also prepare reports on the IPA's other activities for review by the Commission.
- I. H. The IPA shall have subpoena authority for records and other relevant material concerning any matter before them. No subpoena shall be issued, however, unless 30-days have elapsed since any such records were requested by the IPA and they have not been provided. Any such subpoena may be enforced in the Solano County Superior Court and the City Attorney or their designee shall take the necessary steps to enforce such a subpoena.

## **SECTION TWO**

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed the Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact than any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

## **SECTION THREE**

This Ordinance shall be effective 30 days after passage and adoption but shall not be implemented until completion of any meet and confer process with any affected bargaining unit including, but not limited to the Vallejo Police Officers Association. It is not the intent of this provision to limit the bargaining power of any bargaining unit including the ability to propose amendments to this ordinance.

First read at a special meeting of the Council of the City of Vallejo held on the 12<sup>th</sup> day of December, 2022 and finally adopted at a regular meeting of the Council of the City of Vallejo on the 20<sup>th</sup> day of December, 2022 by the following vote:

AYES: Mayor McConnell, Vice Mayor Verder-Aliga, Councilmembers Brown, Dew, Loera-Diaz and Miessner  
NOES: Councilmember Arriola  
ABSENT: None  
ABSTAIN: None

DocuSigned by:  
  
FDED3EAE23444F...  
ROBERT H. MCCONNELL, MAYOR

ATTEST:

DocuSigned by:  
  
1489DDA6695D425...  
DAWN G. ABRAHAMSON, CITY CLERK

**EXHIBIT B  
TO REQUEST FOR PROPOSALS**

**CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT**

This Consultant and Professional Services Agreement (“Agreement”) is made at Vallejo, California, dated for reference this [redacted] day of [redacted], 20 [redacted], by and between the City of Vallejo, a municipal corporation (“City”), and [Company name], hereinafter referred to as “Consultant”, who agree as follows:

**1. Services.** Subject to the terms and conditions set forth in this Agreement, Consultant shall provide the City professional services as specified in Exhibit A, entitled “Scope of Work.”

**2. Payment.** City shall pay Consultant for services rendered pursuant to this agreement at the times and in the manner set forth in Exhibit B, entitled “Compensation.” The payments specified in Exhibit B shall be the only payments to be made to Consultant for services rendered pursuant to this Agreement.

**3. Facilities and Equipment.** Consultant shall, at its sole cost and expense, furnish all facilities and equipment which may be required for furnishing services pursuant to this Agreement.

**4. Indemnification.** Consultant shall indemnify, hold harmless, and defend City, its officers, officials, directors, employees, agents, volunteers and affiliates and each of them from any and all claims, demands, causes of action, damages, costs, expenses, actual attorney’s fees, consultant’s fees, expert fees, losses or liability, in law or in equity, of every kind and nature whatsoever arising out of or in connection with Consultant’s operations, or any subcontractor’s operations, to be performed under this agreement for Consultant’s or subcontractor’s tort negligence including active or passive, or strict negligence, including but not limited to personal injury including, but not limited to bodily injury, emotional injury, sickness or disease, or death to persons and/or damage to property of anyone, including loss of use thereof, caused or alleged to be caused by any act or omission of Consultant, or any subcontractor, or anyone directly or indirectly employed by any of them or anyone for the full period of time allowed by the law, regardless to any limitation by insurance, with the exception of the sole negligence or willful misconduct of the City.

Consultant shall also indemnify, hold harmless, and defend City, its officers, officials, directors, employees, agents, volunteers and affiliates and each of them from any and all claims, demands, causes of action, damages, costs, expenses, actual attorney’s fees, consultant’s fees, expert fees, losses or liability, in law or in equity, of every kind and nature whatsoever arising out of or in connection with Consultant’s operations, or any subcontractor’s operations, related to costs or benefits associated with California Public Employment Retirement System (CalPERS) membership where Consultant supplies a

CalPERS member who CalPERS determines is subject to enrollment.

The provisions of this section shall survive the expiration or termination of this Agreement.

**5. Insurance Requirements.** Consultant agrees to comply with all of the Insurance Requirements set forth in Exhibit C, entitled “Insurance Requirements for Consultant.” Failure to maintain required insurance at all times shall constitute a default and material breach.

**6. Accident Reports.** Consultant shall immediately report (as soon as feasible, but not more than 24 hours) to the City Risk Manager any accident or other occurrence causing injury to persons or property during the performance of this Agreement. The report shall be made in writing and shall include, at a minimum: (a) the names, addresses, and telephone numbers of the persons involved, (b) the names, addresses, and telephone numbers of any known witnesses, (c) the date, time, and description of the accident or other occurrence.

**7. Conflict of Interest.** Consultant warrants and represents that to the best of its knowledge, there exists no actual or potential conflict between Consultant’s family, business, real property or financial interests and the services to be provided under this Agreement. Consultant shall comply with the City of Vallejo Conflict of Interest Code and not enter into any contract or agreement during the performance of this Agreement which will create a conflict of interest with its duties to City under this Agreement. In the event of a change in Consultant’s family, business, real property, or financial interests occurs during the term of this Agreement that creates an actual or potential conflict of interest, then Consultant shall disclose such conflict in writing to City. Every individual who performs services on behalf of Consultant pursuant to this Agreement must file a full Statement of Economic Interests (also known as Form 700) with the City Clerk if the work of the individual involves making a governmental decision whether to issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement; authorizes the City to enter into, modify, or renew a contract; grants City approval of specifications for a contract; adopts or approves for the City any policy, standard or guideline; lobbies on behalf of the City, or performs the same or substantially all the same duties for the City that would otherwise be performed by an individual holding a position specified in the City’s Conflict of Interest Code.

**8. Independent Contractor.** Consultant is an independent contractor. Neither Consultant nor any of Consultant’s officers, employees, agents, or subcontractors, if any, is an employee of City by virtue of this Agreement or performance of any services pursuant to this Agreement. City shall have the right to control Consultant only insofar as the results of Consultant’s services rendered pursuant to this Agreement; however, City shall not have the right to control the means by which Consultant accomplishes services pursuant to this Agreement.

**9. Licenses, Permits, Etc.** Consultant represents and warrants to City that all consultant services shall be provided by a person or persons duly licensed by the State of California to provide the type of services to be performed under this Agreement and that

Consultant has all the permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant represents and warrants to City that it shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals which are legally required for Consultant to practice its profession.

**10. Business License.** Consultant, and its subcontractors, has obtained or agrees to apply prior to performing any services under this Agreement to City's Finance Department for a business license, pay the applicable business license tax and maintain said business license during the term of this Agreement. The failure to obtain such license shall be a material breach of this Agreement and grounds for termination by City. No payments shall be made to Consultant until such business license(s) has been obtained.

**11. Standard of Performance.** Consultant shall provide products and perform all services required pursuant to this Agreement in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised under similar conditions by a member of Consultant's profession currently practicing in California.

Consultant is responsible for making an independent evaluation and judgment of all conditions affecting performance of the work, including without limitation applicable federal, state, and local laws and regulations, and all other contingencies or considerations.

Consultant's responsibilities under this section shall not be delegated. Consultant shall be responsible to City for acts, errors, or omissions of Consultant's subcontractors.

Consultant is responsible for making an independent evaluation and judgment of all conditions affecting performance of the work and shall prepare plans, reports, and/or other work products in such a way that additional costs will not be incurred beyond a project budget approved or amended by the City Manager or his or her designee.

Whenever the scope of work requires or permits review, approval, conditional approval or disapproval by City, it is understood that such review, approval, conditional approval or disapproval is solely for the purposes of administering this Agreement and determining whether the Consultant is entitled to payment for such work, and not be construed as a waiver of any breach or acceptance by the City of any responsibility, professional or otherwise, for the work, and shall not relieve the Consultant of responsibility for complying with the standard of performance or laws, regulations, industry standards, or from liability for damages caused by negligent acts, errors, omissions, noncompliance with industry standards, or the willful misconduct of Consultant.

**12. Force Majeure.** Neither party shall be considered in default of this Agreement to the extent performances are prevented or delayed by causes or circumstances beyond either party's reasonable control, such as war, riots, strikes, lockouts, work slowdown or stoppage, acts of God, such as floods or earthquakes, and electrical blackouts or brownouts.

In the event that the Consultant is unable to meet the completion date or schedule of services, Consultant shall immediately inform the City Representative of this in writing. If additional time is required to perform the work, the City Representative may adjust the schedule.

**13. Time is of the Essence.** Time is of the essence in this Agreement. Any reference to days means calendar days, unless otherwise specifically stated.

**14. Personnel.** Consultant agrees to assign only competent personnel according to the reasonable and customary standards of training and experience in the relevant field to perform services under this Agreement. Failure to assign such competent personnel shall constitute grounds for termination of this Agreement.

The payment made to Consultant pursuant to this Agreement shall be the full and complete compensation to which Consultant and Consultant's officers, employees, agents, and subcontractors are entitled for performance of any work under this Agreement. Neither Consultant nor Consultant's officers or employees are entitled to any salary or wages, or retirement, health, leave or other fringe benefits applicable to employees of the City. The City will not make any federal or state tax withholdings on behalf of Consultant. The City shall not be required to pay any workers' compensation insurance on behalf of Consultant.

Consultant shall pay, when and as due, any and all taxes incurred as a result of Consultant's compensation hereunder, including estimated taxes, and shall provide City with proof of such payments upon request.

**15. General Prohibition on Assignment of CalPERS Members and Annuitants.** Consultant shall not hire, employ, or use, as an employee, subcontractor or agent of Consultant (Assigned Individual) any California Public Employment Retirement System (CalPERS) member or annuitant in connection with the provision of services under this Agreement. Nor shall Consultant allow any of its subcontractors, agents, or other representatives to employ CalPERS members or annuitants for the purpose of performing work under this Agreement. Failure to comply with the provisions of this section shall constitute a material breach of Consultant's obligations under this Agreement and shall be grounds for termination.

The City Manager and the Human Resources Director may together approve an exception which they determine either: (i) meets the requirements of CalPERS relating to Independent Contractors; or (ii) where such Assigned Individual who is an Annuitant, has not, and will not, exceed 960 total hours in a fiscal year (July 1 to June 30) for all CalPERS employers combined, and satisfies all other CalPERS annuitant requirements. No Assigned Individual, regardless of CalPERS membership at the time the labor is provided, may exceed 1,000 hours in a fiscal year (July 1 to June 30).

**16. Consultant Not Agent.** Except as authorized under this Agreement or as City may authorize in a letter of authorization signed by the City Manager or his or her designee,

Consultant shall have no authority, express or implied to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, under this Agreement, to bind City to any obligation whatsoever.

**17. Term.** The term of this Agreement shall commence on [start date] and shall continue in full force and effect until [end date].

City shall, at its discretion, have the right to extend the term of this Agreement, in intervals of [time period, e.g., one month, one year, 90 days], by written notice to Consultant. The total duration of this Agreement, including the exercise of any options under this section, shall not exceed [time period, e.g., one year, 90 days].

If the term of this Agreement extends into fiscal years subsequent to that in which it is approved, such continuation of the Agreement is contingent on the appropriation of funds for such purpose by the City Council of the City of Vallejo. If funds to effect such continued payment are not appropriated, Consultant agrees to terminate any services supplied to City of Vallejo under this Agreement, and relieve City of any further obligation therefore.

**18. Termination or Abandonment by City.** The City has the right, at any time and in its sole discretion, to immediately terminate or abandon any portion or all of the services to be provided under this Agreement by giving notice to Consultant. Upon receipt of a notice of termination, Consultant shall perform no further work except as specified in the notice. Before the date of termination, Consultant shall deliver to City all City records and documents, all work product, whether completed or not, as of the date of termination and not otherwise previously delivered.

The City shall pay Consultant for services performed in accordance with this Agreement before the date of termination. If this contract provides for payment of a lump sum for all services or by task and termination occurs before completion of the work or any defined task which according to the performance schedule was commenced before the notice of termination, the fee for services performed shall be based on an amount mutually agreed to by City and Consultant for the portion of work completed in conformance with this Agreement before the date of termination. In addition, the City will reimburse Consultant for authorized expenses incurred and not previously reimbursed. The City shall not be liable for any fees or costs associated for the termination or abandonment except for the fees, and reimbursement of authorized expenses, payable pursuant to this section.

**19. Products of Consulting Services.** The work product, including without limitation, all writings, work sheets, reports, recordings, drawings, files, detailed calculations and other work products, whether complete or incomplete, of Consultant resulting from services rendered pursuant to this Agreement, shall become the property of City. Consultant agrees that all copyrights which arise from creation of the work under this Agreement shall be vested in the City and waives and relinquishes all claims to copyright or other intellectual property rights in favor of the City. City acknowledges that its use of the work product is limited to the purposes contemplated by the scope of work and that the Consultant makes no representation of the suitability of the work product for

use in or application to circumstances not contemplated by the scope of work.

Documents submitted to the City in electronic format shall be formatted according to specifications provided by the City, or if not otherwise specified, in Microsoft Word, Excel, PowerPoint or other Microsoft Office Suite (2002) format as appropriate for the particular work product or, if directed by the City Representative in Adobe Acrobat PDF format.

**20. Cooperation by City.** City shall, to the extent reasonable and practicable, assist and cooperate with Consultant in the performance of Consultant's services hereunder.

**21. Assignment and Subcontracting.** Consultant shall not subcontract, assign or transfer voluntarily or involuntarily any of its rights, duties or obligation under this Agreement without the express written consent of the City Manager or his or her designee in each instance. Any attempted or purported assignment of any right, duty or obligation under this Agreement without said consent shall be void and of no effect.

If subcontracting of work is permitted, Consultant shall pay its subcontractor within ten (10) days of receipt of payment by City for work performed by a subcontractor and billed by the Consultant. Use of the term subcontractor in any other provision of this contract shall not be construed to imply authorization for Consultant to use subcontractors for performance of any service under this Agreement.

The City is an intended beneficiary of any work performed by Consultant's subcontractor for purposes of establishing a duty of care between the subcontractor and City.

Any subcontractor or assignee consented to by City shall be bound by all terms and conditions of this agreement and the same shall be incorporated into and made a part of any assignment or subcontractor agreement.

**22. Successors and Assigns.** All terms, conditions, and provisions of this Agreement shall apply to and bind the respective heirs, executors, administrators, successors, and assigns of the parties. Nothing in this section is intended to affect the limitation on assignment.

**23. Non-Discrimination/Fair Employment Practices.**

(a) Consultant shall not, because of race, religious creed, color, sex, national origin, ancestry, disability, medical condition, age, marital status or sexual orientation of any person, refuse to hire or employ, or to bar or discharge from employment, or to discriminate in compensation, or in terms, conditions or privileges any person, and every employee will receive equal opportunity for employment and shall be granted equal treatment with respect to compensation, terms, conditions or other privileges of employment, without regard to his race, religious creed, color, sex, national origin, ancestry, or disability, medical condition, age, marital status or sexual orientation.

Consultant warrants and represents it is an equal opportunity employer and agrees it shall not discriminate on the basis of race, religious creed, color, sex, national origin, ancestry, disability, medical condition, age, marital status or sexual orientation in the selection and retention of employees, subcontractors or procurement of materials or equipment.

In all solicitations either by competitive bidding or negotiations made by Consultant for work to be performed under any subcontract, including procurement of materials or equipment, each potential subcontractor or supplier shall be notified by Consultant of Consultant's obligation under this Agreement relative to nondiscrimination and fair employment practices.

Consultant shall include the above provisions of this section in every subcontract, including procurement of materials or equipment.

(b) Consultant agrees to comply with Title VII of the Civil Rights Act of 1964, as amended, the California Fair Employment Practices Act, the Americans with Disabilities Act of 1990, any other applicable federal and state laws and regulations and City ordinances and regulations hereinafter enacted.

**24. Notices.** All notices or instruments required to be given or delivered by law or this Agreement shall be in writing and shall be effective upon receipt thereof and shall be by personal service or delivered by depositing the same in any United States Post Office, registered or certified mail, postage prepaid, addressed to:

If to City:

[Name]  
[Title]  
555 Santa Clara Street  
Vallejo, CA 94590

If to Consultant:

[Name]  
[Company name]  
[Street name and suite #, if any]  
[City, state and zip code]

Any party may change its address for receiving notices by giving written notice of such change to the other party in accordance with this section.

Routine administrative communications shall be made pursuant to section 1 of Exhibit A.

**24. Integration Clause.** This Agreement, including all Exhibits, contains the entire agreement between the parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Agreement. This Agreement shall not be amended or modified except by a written agreement executed by each of the parties hereto.

**25. Severability Clause.** Should any provision of this Agreement ever be deemed to be legally void or unenforceable, all remaining provisions shall survive and be enforceable.

**26. Law Governing.** This Agreement shall in all respects be governed by the law of the State of California without regard to its conflicts of law rules. Litigation arising out of or connected with this Agreement shall be instituted and maintained in the courts of Solano County in the State of California or in the United States District Court, Eastern District of California, Sacramento, California, and the parties consent to jurisdiction over their person and over the subject matter of any such litigation in such courts, and consent to service of process issued by such courts.

**27. Waiver.** Waiver by either party of any default, breach or condition precedent shall not be construed as a waiver of any other default, breach or condition precedent or any other right hereunder.

**28. Ambiguity.** The parties acknowledge that this is a negotiated agreement, that they have had the opportunity to have this Agreement reviewed by their respective legal counsel, and that the terms and conditions of this Agreement are not to be construed against any party on the basis of such party's draftsmanship thereof.

**29. Gender.** All pronouns and any variations thereof shall be deemed to refer to the masculine, feminine, neuter, singular or plural, as the identifications of the person or persons, firm or firms, corporation or corporations may require.

**30. Headings.** The section headings contained in this Agreement are inserted for convenience only and shall not affect in any way the meaning or interpretation of this Agreement.

**31. Compliance with Laws.** Consultant will comply with all statutes, regulations and ordinances in the performance of all services under this Agreement.

**32. Confidentiality of City Information.** During the performance of services under this Agreement, Consultant may gain access to and use City information regarding, but not limited to, procedures, policies, training, operational practices, and other vital information (hereafter collectively referred to as "City Information") which are valuable, special and unique assets of the City. Consultant agrees that it will not use any information obtained as a consequence of the performance of services under this Agreement for any purpose other than fulfillment of Consultant's scope of work, to protect all City Information and treat it as strictly confidential and proprietary to City, and that it will not at any time, either directly or indirectly, divulge, disclose or communicate in any manner any City Information to any third party, other than its own employees, agents or subcontractors who have a need for the City Information for the performance of services under this Agreement, without the prior written consent of City, or as required by law.

Consultant shall treat all records and work product prepared or maintained by Consultant in the performance of this Agreement as confidential.

A violation by Consultant of this section shall be a material violation of this Agreement and will justify legal and/or equitable relief.

Consultant's obligations under this section shall survive the completion of services, expiration or termination of this Agreement.

**33. News and Information Release.** Consultant agrees that it will not issue any news releases in connection with either the award of this Agreement, or any subsequent amendment of or efforts under this Agreement, without first obtaining review and approval of said news releases from City through the City Representative.

**34. City Representative.** The City Representative specified in Exhibit A, or the representative's designee, shall administer this Agreement for the City.

**35. Counterparts.** The parties may execute this Agreement in one or more counterparts, each of which shall be deemed an original, but all of which together shall be deemed one and the same instrument.

**36. Facsimile Signature; Electronic Signature.** This Agreement shall be binding upon the receipt of facsimile signatures or e-mailed by PDF or otherwise. Any person transmitting his or her signature by facsimile or electronically shall promptly send an original signature to the other party pursuant to the notice provision of this Agreement. The failure to send an original shall not affect the binding nature of this Agreement.

**37. Authority.** The person signing this Agreement for Consultant hereby represents and warrants that he/she is fully authorized to sign this Agreement on behalf of Consultant.

**38. Exhibits.** The following exhibits are attached hereto and incorporated herein by reference:

Exhibit A, entitled "Scope of Work," including any attachments

Exhibit B, entitled "Compensation," including any attachments

Exhibit C, entitled "Insurance Requirements," including attachments

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year shown below the name of each of the parties.

[COMPANY NAME]

CITY OF VALLEJO,  
a municipal corporation

By: \_\_\_\_\_  
[Name]  
[Title]

By: \_\_\_\_\_  
Andrew Murray  
City Manager

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

(City Seal)

ATTEST:

By: \_\_\_\_\_  
Dawn G. Abrahamson  
City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_ *for*  
Veronica A. F. Nebb  
City Attorney

APPROVED AS TO INSURANCE:

By: \_\_\_\_\_  
Armond Sarkis  
Risk Manager

**EXHIBIT A**

**SCOPE OF WORK**

**1. Representatives.** The City Representative for this Agreement is:

[Name]  
[Title]  
[Department name]  
555 Santa Clara Street  
Vallejo, CA 94590  
[Telephone number]  
[Facsimile number /Email address]

The Consultant’s Representative for this Agreement is:

[Name]  
[Title]  
[Company name]  
[Street name and suite #, if any]  
[City, state and zip code]  
[Telephone number]  
[Facsimile number/Email address]

All routine administrative communications between the parties will be between the above-named representatives and may be by personal delivery, mail, facsimile transmission, or electronic mail as agreed between the Consultant Representative and City’s Representative.

**2. Services to be Provided.** The services provided shall be as set forth in Attachment 1 of Exhibit A, attached hereto and incorporated herein by this reference.

**3. Time for Performance.** Consultant will perform the services according to the schedule below. If the schedule calls for the services to be performed in phases or discrete increments, Consultant shall not proceed from one phase or increment to the next without written authorization from the City’s Representative. Consultant will complete all services by [date].

**OR**

Consultant will perform the services according to the schedule contained in Attachment [number] of Exhibit A. If the schedule calls for the services to be performed in phases or discrete increments, Consultant shall not proceed from one phase or increment to the next without written authorization from the City’s Representative. Consultant will complete all services by [date].

**5. No Set Work Hours.** Consultant shall be solely responsible for determining the working hours of its individual personnel, employees, agents, and representatives within the limitations otherwise provided in this Agreement.

## EXHIBIT B

### COMPENSATION

#### 1. Consultant's Compensation.

A. Services: City agrees to pay Consultant, at the rate(s) specified below, for those services set forth in Exhibit A of this Agreement and for all authorized reimbursable expenses, for a total not to exceed [dollar amount in words - e.g. Two Thousand Five Hundred Fifty Dollars and 13 Cents] ([dollar amount in numbers - e.g., \$2,550.13]).

Consultant shall notify City in writing no later than thirty (30) days prior to the estimated date when Consultant will have billed City the maximum payment amount permitted under this Agreement, and Consultant shall provide City with an estimate of the additional compensation required to complete the project.

City agrees to pay Consultant for those services set forth in Exhibit A of this Agreement and for all authorized reimbursable expenses, in a lump sum of [dollar amount in words - e.g. Two Thousand Five Hundred Fifty Dollars and 13 Cents] ([dollar amount in numbers - e.g., \$2,550.13]) upon satisfactory completion of the services and delivery of the work product.

#### B. Additional Services:

1. Additional Services are those services related to the scope of Services of Consultant as set forth in Exhibit A but not anticipated at the time of execution of this Agreement. Additional Services shall be provided only when a Supplemental Agreement authorizing such Additional Services is approved by the City Manager, or his or her designee. City reserves the right to perform any Additional Services with its own staff or to retain other Consultants to perform said Additional Services.

2. Consultant's compensation for Additional Services shall be based on the total number of hours spent on Additional Services multiplied by the employees' appropriate billable hourly rate as established below. City, at its option, may negotiate a fixed fee for some or all Additional Services as the need arises. Where a fixed fee for Additional Services is established by mutual Agreement between City and Consultant, compensation to Consultant shall not exceed the fixed fee amount.

#### 2. **Appropriate Billable Hourly Rates for Services and Additional Services.** Consultant's billable hourly rates shall be:

**OR**

Consultant's billable hourly rates shall be as listed in Attachment 1 of Exhibit B, attached hereto and incorporated herein by this reference.

**3. Consultant's Reimbursable Expenses.** Reimbursable Expenses shall be limited to actual reasonable expenditures of Consultant for expenses that are necessary for the proper completion of the Services and shall only be payable if specifically authorized in advance by City.

**4. Payments to Consultant.**

A. Payments to Consultant shall be made within a reasonable time after receipt of Consultant's invoice, said payments to be made in proportion to services performed. Consultant may request payment on a monthly basis. Consultant shall be responsible for the cost of supplying all documentation necessary to verify the monthly billings to the satisfaction of City.

B. All invoices submitted by Consultant shall contain the following information:

1. Description of services billed under this invoice
2. Date of Invoice Issuance
3. Sequential Invoice Number
4. City's Purchase Order Number (if issued)
5. Social Security Number or Taxpayer Identification Number
6. Amount of this Invoice (Itemize all Reimbursable Expenses")
7. Total Billed to Date

C. Items shall be separated into Services and Reimbursable Expenses. Billings that do not conform to the format outlined above shall be returned to Consultant for correction. City shall not be responsible for delays in payment to Consultant resulting from Consultant's failure to comply with the invoice format described above.

D. Request for payment shall be sent to:

[Name]

[Title]

[Department name]

555 Santa Clara Street  
Vallejo, CA 94590

**5. Accounting Records of Consultant.** Consultant shall maintain for three (3) years after completion of all services hereunder, all records under this Agreement, including, but not limited to, records of Consultant's direct salary costs for all Services and Additional Services performed under this Agreement and records of Consultant's Reimbursable Expenses, in accordance with generally accepted accounting practices. Consultant shall keep such records available for audit, inspection and copying by representatives of the City's Finance Department or other government agencies during regular business hours upon twenty-four (24) hours' notice.

The obligations of Consultant under this section shall survive this Agreement.

**6. Taxes.** Consultant shall pay, when and as due, any and all taxes incurred as a result of Consultant's compensation hereunder, including estimated taxes, and shall provide City with proof of such payments upon request.

**7. Taxpayer Identification Number.** Consultant shall provide City with Consultant's complete Request for Taxpayer Identification Number and Certification, Form W-9, as issued by the Internal Revenue Service, and any other State or local tax identification number requested by City.

## EXHIBIT C

### INSURANCE REQUIREMENTS

Consultant shall procure and maintain for the duration of this Agreement, including any extensions thereto, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of services hereunder by the Consultant, their agents, representatives, or employees or subcontractors.

**1. Minimum Scope of Insurance.** Coverage shall be at least as broad as:

A. Insurance Services Office form number GL 0002 covering Comprehensive General Liability and Insurance Services Office form number GL 0404 covering Broad Form Comprehensive General Liability; or Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).

B. Insurance Services Office form number CA 0001 covering Automobile Liability, code 1 any auto and endorsement CA 0025.

C. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

D. Professional Liability insurance appropriate to the Consultant's profession (Errors and Omission).

**2. Minimum Limits of Insurance.** Consultant shall maintain limits no less than:

A. General Liability: \$2,000,000 per occurrence for bodily injury, personal injury, and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

B. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.

C. Workers' Compensation and Employer's Liability: \$1,000,000 per accident for bodily injury or disease. If Consultant is not subject to California Workers' Compensation requirements, Consultant shall file a completed certificate of exemption form which may be obtained from the City prior to commencing any activity authorized hereunder.

D. Professional Liability (Errors and Omission): \$1,000,000 combined single limit per occurrence, and annual aggregate.

**3. Deductible and Self-Insured Retention.** Any deductibles or self-insured retention

must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City of Vallejo, its officers, officials, employees and volunteers; or the Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

**4. Other Insurance Provisions.** The general liability and automobile liability policies, as can be provided, are to contain, or be endorsed to contain, the following provisions:

A. The City of Vallejo, its officers, officials, employees, agents and volunteers are to be covered as additional insureds as respects; liability, including defense costs, arising out of activities performed by or on behalf of the Consultant; products and completed operations of the Consultant; premises owned, occupied or used by the Consultant; or automobiles owned, leased hired or borrowed by the Consultant. The coverage shall contain no special limitations on the scope of protection afforded to the City of Vallejo, its officers, officials, employees, agents or volunteers. The insurance is to be issued by companies licensed to do business in the State of California.

B. For any claims related to this project, the Consultant's insurance coverage shall be primary insurance as respects the City of Vallejo, its officers, officials, employees, agents, and volunteers. Any insurance or self-insurance maintained by the City of Vallejo, its officers, officials, employees, agents, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

C. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the City, its officers, officials, employees, agents, or volunteers.

D. The Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

E. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

F. The workers' compensation and employer's liability policy required hereunder shall be endorsed to state that the workers' compensation carrier waives its right of subrogation against City, its officers, officials, employees, agents and volunteers, which might arise by reason of payment under such policy in connection with Consultant's performance under this Agreement.

**5. Acceptability of Insurers.** Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII.

**6. Verification of Coverage.** Consultant shall furnish the City with certificates of insurance and original endorsements effecting general and automobile liability insurance coverage required by this clause. The certificates and endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All endorsements are to be received and approved by the City before work commences.

**7. Subcontractors.** Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

**8. Payment Withhold.** City will withhold payments to Consultant if the certificates of insurance and endorsements required in Paragraph F, above, are canceled or Consultant otherwise ceases to be insured as required herein.



**DATE:** April 9, 2026  
**TO:** Mayor and Members of the City Council  
**FROM:** Andrew Murray, City Manager/Commission Secretary  
**SUBJECT:** **ADOPT A RESOLUTION TO ESTABLISH AN AD HOC SUBCOMMITTEE OF THE POLICE OVERSIGHT AND ACCOUNTABILITY COMMISSION (POAC) AND APPOINTMENT OF MEMBERS TO MAKE RECOMMENDATIONS TO STAFF REGARDING THE POLICE DEPARTMENT COMPLAINT & COMPLIMENT INFORMATIONAL MATERIALS AND COMMUNICATIONS RELATING THERETO**

**RECOMMENDATION**

Adopt Resolution to establish an Ad Hoc Subcommittee to provide recommendations on informational materials and communications and appoint commission members thereto.

**BACKGROUND AND DISCUSSION**

Under agenda item 10.B at the March 12, 2026 regular meeting of the Police Oversight and Accountability Commission ("Commission"), the Commission directed staff to bring an agenda item to a future Commission meeting to establish an ad hoc subcommittee and appoint members to make recommendations regarding materials relating to the submission of complaints. The purpose of the subcommittee would be to review the informational materials prepared to date and provide recommendations relating to same as well as POAC communication materials to increase the effectiveness thereof. An ad hoc subcommittee is an efficient and nimble mechanism through which a subset of a legislative body can analyze a topic in detail and provide recommendations to the full body. The Commission has an opportunity to create such an ad hoc subcommittee and appoint members. An Ad Hoc subcommittee must be of limited duration, include specific members with a maximum number of 3, and must be assigned specific duties. After completion of the work by the Ad Hoc subcommittee, the subcommittee will report back to the full commission which will provide input and recommendations to staff.

**FISCAL IMPACT**

There is no fiscal impact of establishing such an ad hoc subcommittee.

**ENVIRONMENTAL REVIEW**

**ATTACHMENTS**

|    |                                 |
|----|---------------------------------|
| 1. | POAC CCIM AD HOC Reso CAO Stamp |
|----|---------------------------------|

**CONTACT**

Andrew Murray, City Manager/Commission Secretary (707) 648-4576  
[Andrew.Murray@cityofvallejo.net](mailto:Andrew.Murray@cityofvallejo.net)

Approved as to form:

By:  for  
Veronica Nebb, City Attorney

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION OF THE POLICE OVERSIGHT AND ACCOUNTABILITY COMMISSION (POAC) OF THE CITY OF VALLEJO ESTABLISHING AN AD HOC SUBCOMMITTEE FOR THE VALLEJO POLICE DEPARTMENT’S COMPLAINT AND COMPLIMENT INFORMATIONAL MATERIALS AND COMMUNICATIONS**

**WHEREAS**, the Police Oversight and Accountability ordinance at Vallejo Municipal Code section 18.03.050D grants the Police Oversight and Accountability Commission (POAC) the authority to advise the Mayor, the City Council, the City Manager and the Chief of Police on “all police community relations issues;” and

**WHEREAS**, Vallejo Municipal Code section 18.03.050K grants the POAC the authority to “provide recommendations to the City and the Vallejo Police Department about the complaint process;” and

**WHEREAS**, in order to effectively provide advice and input to the City concerning VPD’s complaint process, the POAC desires to create an ad hoc subcommittee for the express purpose of reviewing the informational materials and communications related to the complaint and compliment process and providing advice and input to the full Commission.

**NOW THEREFORE, BE IT RESOLVED:**

1. That the POAC hereby establishes the Complaints and Compliments Informational Materials (CCIM) Ad Hoc Subcommittee.
2. That the CCIM Ad Hoc Subcommittee is hereby established for the duration of one (1) year, from the date of this Resolution.
3. That the duties of the Subcommittee shall reviewing informational materials associated with the complaint and compliment process and providing advice and input to the POAC which in turn can use the provided information to provide advice and input to the Mayor, the City Council, the City Manager and the Chief of Police.
4. That the following two members of the POAC are hereby appointed to the Assigned Attorney Ad Hoc Subcommittee:

\_\_\_\_\_  
\_\_\_\_\_

PASSED AND ADOPTED by the Police Oversight and Accountability Commission of the City of Vallejo at a regular meeting thereof held on April 9, 2026, by the following vote:

AYES:

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NOES:

ABSENT: