

11 January 2024

Dear Committee Members,

I am sending to you by way of Lt. Eberle some background information about the oversight Committee development and additional information related to law enforcement interaction rights and responsibilities of residents. As I had stated in my introduction, I had been a member of a grassroots Justice group of 12-15 county residents from West, North, Southern Marin and the incorporated and unincorporated areas of San Rafael. This Justice group rose from the community after the injurious arrest of Mr. Lopez in 2022. The Justice group spent many months in conversation with the Mayor, City Manager, City Attorney, the District #1 Councilmember, and the City Consultant on oversight development.

I believe that the enclosed supplemental readings will be helpful in understanding the amendments that I will be suggesting as we established our committee as a permanent checks and balance unit of the community. I will be following the bylaws formations of Marin County and the City of San Rafael for its boards, commissions and committees. In addition, if our committee would like, we can have the bylaws reviewed by Sarah Merkle, the top parliamentarian in the United States. Bylaws are the legal foundation of the committee's work and responsibilities and they can be amended at any time.

I believe in 'The City with a Mission' as a motto and description of the City of San Rafael. It is because I share many of our Mayor and City Council's committed values of justice, equity, and community health, that I want to continue working in our committee with a goal of striving for excellence. The City Council supports our autonomy in the development of this committee and its oversight responsibilities for the San Rafael Police Department. I also believe the stories of the men and women of the Canal area meeting on November 18th of what safety and service from SRPD means to them and how they have experienced many negative and untoward interactions with law enforcement officers. I continue to be open to learning more about successful programs and community engagements of our SRPD to share with others. Our County is developing an Oversight Committee for the Sheriff's Department, the College of Marin is developing an Oversight Committee for their Campus Police Department and other county cities are doing the same. Therefore, I offer the following attachments to this letter:

The readings are: A- Know your rights. Police interactions for Black and Brown people
(English/Spanish)

B- SR concept paper dated: April 6, 2023

C- The People's Plan concept paper dated: May 11, 2023

Most sincerely,
Salamah Locks

PS: The amended Bylaws to follow in next memo.



**This is a special
Know Your Rights
Guide for Black
and Brown people.**

Why is it necessary? Because they often have a very different experience with the police than white people do. Black and Brown people get stopped more because of their skin color even though racial profiling is illegal.

Black and Brown people are also more likely to be detained, handcuffed, searched, and have police point guns at them. These encounters aren't just stressful; as history and recent events have shown, they can be deadly.

Here is information to let you know what your constitutional rights are during police interactions. But it's important to remember that even though you have legal rights, you must use good judgment in deciding when to exercise them. If a law enforcement officer starts acting in an aggressive way toward you, it might not be wise or safe to assert your rights in that moment. If you believe your rights were violated, you can file a complaint against the law enforcement officer once you are no longer in a potentially harmful situation.

The Do's and Don'ts of Police Pedestrian Stops

If you are stopped for questioning, DO...

- ♦ **DO** know that the police may stop and question you for any reason at all. You don't have to look suspicious or be a potential witness to a crime.
- ♦ Unless police have a reasonable suspicion for suspecting that you committed, are committing, or are about to commit a crime, you are generally free to leave.
- ♦ During a stop, the police can ask about your name, address, and age. In California, you cannot be arrested for refusing to provide your I.D.
- ♦ **DO** ask am I free to leave?' If they say yes, calmly leave.
- ♦ **DO** exercise your right to remain silent. Say **"I want to remain silent."** You legally cannot be arrested or detained for refusing to answer questions. However, it could look suspicious to the police if you answer questions and then suddenly stop, which could lead to an illegal arrest. Make it your practice to always remain silent.

If you are stopped for questioning, DON'T...

- ♦ **DON'T** try to run away. Many Black and Brown people have been shot in the back while running away from the police.
- ♦ **DON'T** physically resist a "pat-down" or search because this could lead to an officer illegally using force against you. Say "I do not consent to a search."
- ♦ **DON'T** disrespect a police officer. Although you have a constitutional right to do so, it could lead to your arrest or physical harm.
- ♦ **DON'T** lie. Say **"I want to remain silent."**

- ♦ **DON'T** forget that police are legally allowed to lie, intimidate, and bluff.
- ♦ **DON'T** discuss your citizenship or immigration status with anyone other than your lawyer.

If you are searched, DO...

- ♦ If the police begin searching you or your personal belongings, they must at least have a reasonable suspicion that you have been involved in a crime, and/or are armed.
- ♦ **DO** make sure the officer knows you do not agree to be searched (they might search you anyway, but calmly and safely make your opposition known). Say "I do not consent to a search."
- ♦ When a police officer searches you, they may pat down your outer clothing only. Police cannot squeeze or reach into your pockets unless they believe they have felt a weapon or contraband (like a baggie of unlawful drugs) after patting you down. If the police develop probable cause for believing that you have committed a crime, they can broaden their search.
- ♦ If you are being given a ticket, **DO** give your name and birth date, and sign the ticket. If you don't, you may be arrested.

If you are searched, DON'T...

- ♦ **DON'T** empty your pockets or reach towards your waistband as the officer approaches. Many Black and Brown people have been shot by police officers who falsely claimed they were reaching for a gun in their waistband.



The Do's and Don'ts of Police Car Stops

If you are pulled over in a traffic stop and have a hands-free phone station in your vehicle, consider turning on your camera to record the interaction. Make sure to do this before the officer gets out of the police car so they don't see you and mistakenly think you are reaching for a weapon.

If you are stopped in your car, DO...

- ♦ If you are stopped while in a car, the police must have a reasonable suspicion for believing that you have committed a traffic violation or criminal offense.
- ♦ **DO** keep your hands on the wheel and let the officer know what you are doing for your safety. ("I'm going to reach for my registration now.") Many Black people have been shot and killed when police claimed they made sudden hand movements.
- ♦ **DO** show your license, registration, and proof of insurance when asked.
- ♦ **DO** sign your ticket if you are given one. Otherwise, you may be arrested.
- ♦ **DO** take the DUI test if you are arrested, unless you are willing to risk your license being suspended. Before you are arrested, you may refuse to take the Preliminary Alcohol Screening (PAS) breathalyzer test, unless you are under the age of 21.
- ♦ **DO** keep your car interior clear of unnecessary objects. It may give the police reason to search the car. If they see anything illegal, this may create probable cause for them

to search you or your car. They cannot search the trunk unless they have your consent, a search warrant, or probable cause to believe the trunk contains evidence of a crime.

- ♦ **DO** say "I do not consent to a search."

NOTE: An AB 60 license, issued with proof of identity and California residency, should be accepted by state and local law enforcement in California, the same as other state-issued IDs.

If you are stopped in your car, DON'T...

- ♦ **DON'T** physically resist a search. Say "I do not consent to a search."
- ♦ **DON'T** refuse to sign a ticket. You can be arrested for it.
- ♦ **DON'T** search for your license or registration until you are asked to provide it. Let the officer know what you are doing for your safety. ("I'm going to reach for my registration now.") Many Black people have been shot and killed when police claimed they made sudden hand movements.
- ♦ **DON'T** disrespect the officer. Although you have a constitutional right to do so, it could lead to your arrest.
- ♦ **DON'T** attempt to bribe the police.

The Do's and Don'ts of Arrests

If you are arrested or taken to a police station, DO...

- ♦ **DO** ask if you can park your car in a safe place or have a licensed driver take it away if you are arrested. This will avoid expensive towing or impoundment fees.
- ♦ If the police arrest you, they must have probable cause for believing that you have committed a crime.
- ♦ **DO** tell the police your name and basic identifying information. But nothing else.
- ♦ **DO** say "I want to remain silent" and clearly state "I want to talk to a lawyer." They should stop questioning you after that. If they do not stop questioning, calmly and clearly repeat that you want to remain silent and that you want to speak to a lawyer.
- ♦ **DO** make sure you get your three phone calls within three hours of getting arrested or immediately after being booked. You can call a lawyer, bail bondsman, relative, or any other person. If you have children under 18, you get two additional calls to arrange childcare. Memorize phone numbers ahead of time.
- ♦ **DO** assume the police are recording your calls (except the call with your lawyer).

If you are arrested or taken to a police station, DON'T...

- ♦ **DON'T** try to run, resist, fight back, or reach suddenly for any items in your pockets or clothing as this could lead to law enforcement causing you physical harm.
- ♦ **DON'T** give them any information except for your name and basic identifying information.
- ♦ **DON'T** give explanations, excuses, or stories. Say "I want to remain silent" and "I want to talk to a lawyer."
- ♦ **DON'T** consent to any searches or give up your right to a lawyer.
- ♦ **DON'T** talk about your case on the phone. The police might be recording your phone calls (except those to your lawyer).
- ♦ **DON'T** make any decisions in your case without talking to a lawyer first.
- ♦ **DON'T** discuss your citizenship or immigration status with anyone other than your lawyer.



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Esta guía especial de Conozca sus derechos se dirige a las personas de color, afroamericanas y latinas.

¿Por qué es necesaria? Porque con frecuencia estas personas tienen una experiencia con la policía muy distinta a la de las personas blancas. Las personas de color resultan detenidas con mayor frecuencia por razón del color de su piel, a pesar de ser ilegal el uso de perfiles raciales.

Tienen también mayor probabilidad de que la policía les detienen, esposen y revisen y que la policía apunta armas a ellos. Estas interacciones no sólo son estresantes; como nos indican la historia y eventos recientes, pueden ser mortales.

Aquí tiene información para que conozca cuáles son sus derechos constitucionales durante una interacción con la policía. No obstante, es importante acordar que así tenga usted derechos legales, debe ejercer buen criterio a la hora de decidir cuándo los va a ejercer. Si un agente del orden comienza a actuar de forma agresiva hacia usted, puede que no ser sensato ni seguro de afirmar sus derechos en ese momento. Si usted cree que han sido violados sus derechos, puede registrar una queja contra el agente del orden cuando no esté en una situación posiblemente peligrosa.

Qué hacer y qué no hacer si la policía lo pare cuando está a pie

SI LE DETIENEN PARA INTERROGARLO, DEBE.....

- ♦ **SABER** que la policía podrá pararle e interrogarle por cualquier motivo. Usted no tiene que tener aspecto de sospechoso ni ser posible testigo de algún delito.
- ♦ **SABER** que salvo que la policía tenga una sospecha razonable, con base en hechos específicos y claramente descritos, además de presunciones razonables, para sospechar que usted ha cometido, está cometiendo, o está por cometer un delito, tiene usted, por lo general, la libertad de irse.
- ♦ Durante una parada policial, la policía le puede preguntar su nombre, domicilio, y edad. En California, no lo pueden arrestar por negarse a presentar su carnet de identificación.
- ♦ **PREGUNTAR:** “¿Puedo irme?” Si le responden que sí, aléjese con calma.
- ♦ **EJERCER** su derecho a guardar silencio. Diga: **“Quiero guardar silencio”**. No se le puede arrestar ni detener legalmente por negarse a responder las preguntas. No obstante, podría resultar sospechoso al policía si usted responde preguntas, y de repente deja de responderlas, lo cual podría llevar a que lo arresten ilegalmente. Acostúmbrese de siempre guardar silencio.

SI LE DETIENEN PARA INTERROGARLO, NO DEBE HACER ESTO...

- ♦ **NO INTENTE** huir. Muchas personas de color han recibido disparos en la espalda por huir de la policía.
- ♦ **NO SE RESISTA** físicamente a un “cacheo” o a una registro corporal porque la resistencia puede llevar a que el policía use fuerza contra usted. Más bien, diga: “No consiento que me haga un registro corporal”.
- ♦ **NO SEA** grosero con un policía. A pesar de tener el derecho constitucional de ser grosero, podría llevar a que lo arresten o le hagan daño físico.

- ♦ **NO MIENTA.** Diga “Quiero guardar silencio”.
- ♦ **NO OLVIDE** que la policía tiene la potestad legal de mentir, intimidar, y engañar.
- ♦ **NO COMENTE** su nacionalidad ni estado migratorio con nadie que no sea su abogado.

Si resulta que le hacen un registro, DEBE...

- ♦ Si la policía comienza a registrarle a usted o a sus pertenencias personales, debe tener, como menos, una sospecha razonable que usted ha participado en algún delito y/o que está armado.
- ♦ **ASEGURARSE** que el agente sepa que no está de acuerdo con que lo registre (es posible que ellos le registre de todos modos; pero de forma calmada y segura, avise al agente que usted no da su consentimiento). Diga: **“No consiento que me haga un registro”**.
- ♦ Cuando un policía le hace un registro, tiene la autoridad de palpear su vestimenta exterior solamente. La policía no tiene autorización para restregar ni insertar la mano en sus bolsillos al menos que crea que ha sentido un arma o algún artículo de contrabando (como una bolsita de narcóticos ilegales) después de haberle palmeado. Si la policía desarrolla causa probable por creer que usted ha cometido un delito, puede ampliar su registro.
- ♦ Si a usted le están escribiendo un boleto, **DEBE** dar su nombre y fecha de nacimiento, y debe firmar el boleto. Si usted se niega a hacerlo, puede que lo arresten.

Si resulta que le hacen el registro, NO DEBE HACER ESTO...

- ♦ **NO DEBE VACIAR** los bolsillos ni acercar la mano hacia el cinturón en lo que se aproxima el policía. La policía ha disparado a muchas personas de color con la falsa premisa que la persona iba por un arma en el cinturón.



Qué hacer y qué no hacer si la policía lo detiene cuando está en el auto

Si lo paran cuando está transitando y tiene un dispositivo de manos libres para el teléfono, considere prender la cámara para grabar la situación. Haga esto antes que el policía se baje de su patrullero, para que no lo vea y piense erróneamente que está extendiendo la mano en busca de un arma.

Si le detienen cuando está en su automóvil, DEBE...

- ♦ Si le detienen cuando está en un auto, la policía debe tener una sospecha razonable por creer que usted ha cometido una infracción vehicular o algún delito.
- ♦ **MANTENER** las manos sobre el volante y dejarle saber al policía lo que usted está haciendo para mantener su seguridad. (“Ahora voy a buscar el documento de registro de mi auto”). Muchas personas de color han sido asesinadas a tiros cuando la policía dijo que hicieron movimientos repentinos con las manos.
- ♦ **MOSTRAR** su licencia de conducir, registración vehicular, y prueba del seguro cuando se las pidan.
- ♦ **FIRMAR** el boleto si le dan uno. Si no firma, puede que le arresten.
- ♦ **SOMETERSE** a la prueba de sobriedad si queda arrestado, al menos que está dispuesto a arriesgarse a que le suspendan la licencia. Antes que le arresten, podrá negarse a someterse al alcoholímetro, salvo que tenga menos de 21 años.
- ♦ **MANTENER** su vehículo libre de objetos innecesarios, ya que esto puede darle razón a la policía para registrar el carro. Si ven cualquier cosa ilegal, podrá ser motivo de crear causa probable para poder registrarle a usted o a su auto. No podrán registrar el maletero del carro sin previo permiso

de usted, sin un orden de registro o sin causa probable por creer que el maletero contiene evidencia de un delito.

- ♦ **DECIR:** “No consiento que hagan un registro”.

NOTA: Una licencia AB 60, emitida con prueba de identidad y residencia en California, debe ser aceptada por los cuerpos de seguridad locales y estatales en California, tal y como aceptan otros tipos de identificación emitidos por el estado.

Si le detienen en su automóvil, NO DEBE HACER ESTO...

- ♦ **NO SE RESISTA** físicamente contra un registro. Más bien diga: “No consiento que hagan un registro”.
- ♦ **NO SE NIEGUE** a firmar un boleto. Si lo hace, puede quedar arrestado.
- ♦ **NO BUSQUE** su licencia ni su registración vehicular a menos que se las pidan. Avise al agente de policía lo que usted está haciendo para protegerse. (“Ahora voy a buscar el documento de registro de mi auto”). Muchas personas de color han sido asesinadas a tiros cuando la policía dijo que hicieron movimientos repentinos con las manos.
- ♦ **NO** le falte el respeto a un policía. A pesar de tener el derecho constitucional de hacerlo, podría llevar a que le arresten
- ♦ **NO INTENTE** sobornar al policía.



Qué hacer y qué no hacer si lo arrestan

Si la policía lo arresta o lo lleva a la comisaría, DEBE...

- ♦ **PREGUNTAR** si puede estacionar el carro en un lugar seguro o que otro conductor con licencia se lo lleve si usted queda arrestado. Así se evitará el costo del remolque o confiscación del auto.
- ♦ Si la policía le arresta, debe tener causa probable por creer que usted ha cometido un delito.
- ♦ **DELE** al policía su nombre e identificación básica. Pero no le diga nada más.
- ♦ **DIGA:** “Quiero guardar silencio” y diga claramente, “Quiero hablar con un abogado”. El policía debería dejar de interrogarle después de eso. Si no deja de interrogarle, repita de forma calmada y clara que quiere guardar silencio y que quiere hablar con un abogado.
- ♦ **ASEGÚRESE** de recibir acceso a sus tres llamadas telefónicas dentro de tres horas de haber sido arrestado o inmediatamente después que lo fichen. Usted puede llamar a un abogado, un agente de fianzas, un familiar o a cualquier otra persona. Si tiene hijos menores de 18 años, le conceden dos llamadas más para concertar el cuidado de los niños. Debe tener memorizados los números de teléfono previamente.
- ♦ **ASUMIR** que la policía le estará grabando las llamadas que hace (menos la llamada a su abogado).

Si la policía lo arresta o lo lleva a la comisaría, NO HAGA ESTO...

- ♦ **NO INTENTE** correr, resistirse, contraatacar, ni extender de repente la mano en busca de cualquier cosa en sus bolsillos o en su ropa, ya que esta acción podría resultar en que los agentes le hagan daño físico.
- ♦ **NO PROPORCIONE** ninguna información más allá de su nombre e identificación básica.
- ♦ **NO DÉ** explicaciones, excusas ni historias. Diga: “Quiero guardar silencio” y “Quiero hablar con un abogado”.
- ♦ **NO CONSENTE** que le hagan ningún registro ni renuncie a su derecho a consultar un abogado.
- ♦ **NO HABLE** de su caso por teléfono. Es posible que la policía le grabe las llamadas (salvo las que tiene con su abogado).
- ♦ **NO DIGA** nada referente a su caso sin hablar antes con un abogado.
- ♦ **NO COMENTE** sobre su nacionalidad ni su estado migratorio con nadie más que su abogado.

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SAN RAFAEL
THE CITY WITH A MISSION

Concept: Community Advisory and Accountability Committee
April 6th, 2023

Community Advisory and Accountability Committee

The Community Advisory and Accountability Committee serves as an advisory body to the Police Department and the City Council, concerning community and police issues. The San Rafael Community Advisory and Accountability Committee is established for the following purposes:

The Committee is designed to improve public transparency and accountability with respect to the San Rafael Police Department and provide greater community interaction and communication with the Independent Auditor (to be developed / pending). The Committee provides a means for community participation in making recommendation on police department policies, practices, and procedures.

The Committee welcomes public participation at the meetings and conducts meetings in the manner pursuant to the Ralph M. Brown Act, Section 54950, of the California Government Code.

Powers and Duties of the Committee

- A. The Committee shall submit a report making recommendations to the City Council regarding police policy, procedures, and best practices, including those related to community relations, hiring, and training best practices.
- B. The Committee shall review reports prepared by the Independent Auditor consistent with California [Penal Code](#) section 832.7(c), relating to the number, type, and status of all community complaints filed against police department personnel, to determine whether there are patterns of misconduct that necessitate revisions to any police policy, practice, or procedure.
- C. At least annually, to report and make recommendations to the Mayor and the City Council regarding the activities of the board and the San Rafael Police Department's efforts to strengthen bias-free policing and community-police relations and other police practices.

Appointment of Members and Qualifications

The Community Advisory and Accountability Committee is comprised of seven members. Selection for members of the Community Advisory and Accountability Committee will be made in the wake of a community-wide call for interest in participation and applications. Committee members will be selected based on interviews conducted by the full City Council. Committee members must be **residents** of the City of San Rafael, at least 18 years old, who have pledged to be fair-minded and objective, with a demonstrated commitment to community service.

The City Council shall endeavor to establish a Committee that is broadly inclusive and reflective of race, ethnicity, age, gender identity, sexual orientation, economic status, neighborhoods, and various communities of interest in the City. Community members that have “lived experiences” concerning SRPD interactions should be favored in the selection process. There should be an orchestrated outreach effort to civic, community, and civil rights organizations, among others to solicit applications from a wide array of candidates.

The members shall be appointed as follows:

- One member shall be recommended for appointment representing each City Council district. (4)
- Two “at-large” members shall be recommended. (2)
- One member shall be recommended be between the ages of 18 and 22 years at the time of appointment. (1)
- Be fair minded and objective with a demonstrated commitment to community service.
- Desirable qualities of a Committee member are familiarity with human resources, law, police procedures, police oversight, or involvement in civil rights or community organizations.
- All members must be residents of the City of San Rafael.
- One member shall be assigned staff from the San Rafael Police Department. This is a non-voting member with the purpose of providing real-time information and insight into San Rafael police policies, procedures, and practices. (This member will largely serve as a liaison between the Board and the Police Department)
- Not be a past or present employee, officer, or contractor with the City, a past or present sworn police officer from any agency, or a current employee, official, or representative of an employee association representing sworn police officers. (Excluding the assigned police staff – non-voting member)

Committee Term / Vacancies

- Members of the Committee shall serve a term of four years. A member shall hold office until his or her successor has been appointed.

- Terms shall be staggered. The terms of the initial appointees recommended by councilmembers in odd-numbered council districts expire on December 31, 2027. The terms of the initial appointees recommended by councilmembers in even-numbered council districts, and the terms of the mayor's appointees, expire on December 31, 2028. Thereafter, all members shall serve four-year terms.
- If a vacancy occurs during the term of any member, a successor to serve the unexpired term shall be appointed in accordance with the requirements set forth above.
- Committee members are limited to serving eight consecutive years and may be reappointed following a break in service of at least two years.
- The term of a Committee member who fails to remain eligible to serve on the Board (e.g., by moving out of the City of San Rafael, or becoming an employee of the City) expires automatically as of the date the reason for ineligibility arises.
- All members of the Community Advisory and Accountability Committee serve at the pleasure of the Mayor and City Council.

Committee Member Training

As approved by the City Manager, the Police Chief will ensure members of the Community Advisory and Accountability Committee is provided specific training elements to effectively meet their obligation to fill this advisory role. Training established for the Community Advisory and Accountability Committee should be considered mandatory. Training for Committee members will be formally offered within the first six (6) months of appointment.

Training topics for the Advisory Board members includes the following:

- (1) Ralph M. Brown Act and obligations of the Board;
- (2) Constitutional rights and civil liberties;
- (3) Fundamentals of procedure, evidence, and due process;
- (4) The Public Safety Officers Procedural Bill of Rights Act;
- (5) Police Department operations, policies, practices, and procedures; and
- (6) Duties, responsibilities, procedures, and requirements associated with all ranks and assignments.
- (7) Police Ride Along (8 hours)

**Ride Alongs are encouraged for Committee members annually.*

Chair / Vice-Chair and Organization of the Committee

Duties of the Chair:

The Community Advisory and Accountability Committee shall select a presiding officer, known as the Chair, for a one-year period; appointment procedures are set forth in greater detail below. The Community Advisory and Accountability Committee will have the Staff Liaison serve to support the Committee.

The Duties of the Chair shall include the following:

- Ensure that consideration of items on the agenda move along without delay.
- Ensure that community input is received, if any. Ensure that decorum is maintained at the meeting.
- In presiding over agenzized matters where the public has provided testimony and/or raised questions:
 1. Direct questions or comments requiring a response to staff for a response.
 2. If necessary, help keep Committee members questions relevant to the matter being considered by the Community Advisory and Accountability Committee.
 3. If necessary, consider calling for a brief recess, or adjournment, if orderly conduct of the meeting is being disrupted.
 4. Announce the decision of the Community Advisory and Accountability Committee on all subjects.

To ensure that each member of the Community Advisory and Accountability Committee is provided an opportunity to completely express their views on items of business, recognize each member of the Committee and give them the opportunity to provide feedback.

Duties of the Vice Chair:

In the absence of the Chair, a Vice-Chair shall possess all powers of the Chair and be subject to all prescribed duties for that position during the Chair's absence.

At its first meeting, and annually thereafter, the Community Advisory and Accountability Committee shall select a Committee Chair and Vice Chair from among its members. The Chair and Vice Chair shall hold office at the pleasure of the Committee. The terms shall be one year each, or until their successor is elected. No chairperson is eligible to serve more than two consecutive terms, or portions thereof.

When there is a vacancy in the office of Chair or Vice Chair, the Committee shall fill that office from among the members. The Committee may adopt rules and procedures for the conduct of its business and may do any other things necessary or proper to carry out its functions, which may include the formation of one or more subcommittees. Staff support to the board shall be provided by a member of the Police Department, as directed by the Police Chief.

Committee Meetings

The Community Advisory and Accountability Committee meetings are open to the public and everyone is welcome to attend. Meetings will be generally held once a month on a standing basis, based on a time and day that is determined by the Chair and the Police Department Staff Liaison. Committee meetings will be generally conducted in person for members of the Committee, with a “Hybrid” option for members of the community wishing to attend. The Committee shall meet no less than seven times per calendar year. Special Meetings can be scheduled when needed and necessary, with appropriate notice, in accordance with the Brown Act.

The quorum required for the board to conduct business is 4 members.

The affirmative vote of a majority of the members present and eligible to vote is necessary to approve any item.

Compensation

The City recognizes the value and benefit of some form of compensation or stipend for those committing to serve the community as a member of the Community Advisory and Accountability Committee. Current practices throughout the City relating to all other Boards, Commissions and Committees does not allow for compensation, however, given the uniqueness of this commitment, the City is committed to determine a stipend structure for the Community Advisory and Accountability Committee.

Sustainability and Permanence

With the intent to ensure the Community Advisory Accountability Committee is able to serve in perpetuity, neither the Police Chief nor the City Manager may disband or substantively modify the structure of the Committee absent a formal resolution or action of the City Council.

Recommendations for Community Oversight of the San Rafael Police Department (SRPD)

Introduction and Rationale

Civilian oversight of law enforcement agencies is not new, it has existed across the United States of America since the 1950s and was the focus of many discussions through the Civil Rights movement of the 1960s. The death of Trayvon Martin in 2012 and shooting death of Michael Brown in 2014 followed by publicly released videos of other high-profile police rough-ups, beatings, shootings, and deaths of US residents of color pushed civilian oversight and police accountability into the national spotlight. The videos of police mistreatment, injury and deaths of so many residents of color in the last decade fueled local momentum across California to examine existing relationships between communities of color and the departments that police them, and led the California state legislature to develop laws, for example AB1506, AB846, AB1185, and SB2 that hold police accountable for their behavior and treatment of the people they serve.

While civilian oversight exposes the lack of trust communities of color and allies have for the police, it is also a main component of ensuring positive change and increased public safety for every member of the community. A community oversight Commission can transform organizational culture within police departments through their partnerships and collaborative nature with impacted communities as well as create mechanisms for local accountability of police departments. Civilian oversight also helps police departments ensure that the quality of their services aligns on paper and in the daily lives of every community member they serve.

The City of San Rafael and the Chief of San Rafael Police Department (SRPD) have stated their commitment to establishing a permanent independent community oversight structure for the city and its residents, with the goal of cultivating trust, transparency, and accountability that in turn provides a level of legitimacy that internal accountability and existing review mechanisms cannot. To carry this out, a community engagement process was initiated to gather community input on the need for a framework, structure, and authority for such an oversight mechanism.

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Recommendations

- Structured, civilian oversight will assist the City of San Rafael with duties such as: reviewing completed misconduct and use of force investigations,
- objectively analyzing ways to improve the operations of the SRPD,
- auditing and addressing systemic issues within the police department,
- providing an accessible entry point for resident complaints, and
- serving as a locus of public information gathering and sharing through community hearings

all with the goal of upholding constitutional policing; improving law enforcement practices, procedures, and training; reducing legal liability and the possibility of state or federal intervention; removing existing bias within SRPD police culture, and improving transparency, accountability and trust between residents and SRPD.

In an effort to implement an oversight mechanism that addresses the current issues community members experience with SRPD, while proactively striving to reduce harmful existing systemic issues, we recommend a hybrid oversight mechanism that would incorporate the auditor-monitor focused model with the review-focused model. We further recommend that the proposed community oversight Commission collaborate with the City and Chief of Police in selecting the independent auditor (IA).

Once implemented, the recommendations for a community-based oversight model will ensure the establishment of timely, effective, and accessible oversight of SRPD; and maintain a collaborative relationship between the SRPD and the community of color, poor, unsheltered and most impacted by inequitable policing practices, thereby increasing public safety for all; increase trust, improve transparency and accountability; ensure a public, transparent forum for voicing community concerns about the SRPD; a platform for the SRPD to respond to allegations of misconduct; and reduction in liability lawsuits resulting in settlements paid by the community's tax dollars.

Community Oversight Commission (COC)

A Community Oversight Commission (COC) is uniquely positioned to build trust between law enforcement and the people they serve because of its ability to provide San Rafael community residents outside of and unaffiliated with SRPD, input into the process.

In addition to having the opportunity to review completed internal investigations of an auditor/monitor, the COC will receive and review civilian complaints from the community and share them with SRPD for investigation. Review-focused models make up approximately 62% of civilian oversight agencies in the United States, and include a mechanism for the

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department to share community complaints with their oversight body; remand cases back to the department's internal affairs unit for further investigation; recommend case dispositions, discipline or revision of departmental policies and procedures with the police chief and city officials; hear appeals from complainants or subject officers; host public forums; and conduct extensive and purposeful community outreach.

The hybrid approach of implementing the review-focused model described above with the auditor/monitor-focused model, responds to the need for building the relationship between SRPD and the community they serve by deepening the one-layered approach of reviewing the police department's policy and trend analysis traditionally centered in review-focused oversight bodies.

B. Composition and Qualifications for Membership

Four (4) Commission members will be San Rafael residents appointed by the San Rafael City Council to represent each of the four districts they represent. One member will be selected by the Mayor. One (1) at-large member and one (1) alternate will be recommended to the city council by community-based organizations that specifically advocate on behalf of San Rafael residents most impacted by inequitable policing practices, such as: Legal Aid of Marin, Marin Interfaith Council, Congregation Rodef Shalom, Immigrant Rights Team, Immigration Institute of Bay Area, Showing Up for Racial Justice (SURJ) Marin, and the Family Law and Children's Center. Nonprofit organization service centers providing county/city funded services are excluded from recommending members to the SRPD COC.

At no time, shall more than one (1) member be someone who has previous law enforcement experience and must meet the following criteria:

1. The member has not worked as a sworn law enforcement officer within the last five years;
2. The member has never been employed as sworn law enforcement in Marin County or any Bay Area counties, defined by the Association of Bay Area Governments to include the following nine counties: Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, Sonoma, and San Francisco.

C. Training

The COC shall establish a training curriculum annually and as needed, in collaboration with the Independent Auditor, the SRPD, and the City of San Rafael. This ensures that the Commission possess necessary expertise to carry out the Commission's mandates, and that it is not expected for members of the appointed Commission come with any particular skills other than their lived experience ensuring inclusivity for all members.

Training may include, but need not be limited to the following:

1. Public Meeting Laws and the California Public Records Act;

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2. Ethics;
3. Implicit and Explicit Bias;
4. Sexual Harassment;
5. Cultural Competency;
6. Confidentiality;
7. Rehabilitative and Restorative Justice Principles;
8. Behavioral Health Diversion Implementation Plan;
9. De-escalation/Non-Escalation Techniques and Philosophy;
10. Investigative techniques, data analyst and policy writing;
11. All SRPD operations, policies, practices and procedures, case management;
12. Public Safety Officers' Bill of Rights Act (POBRA), and other relevant state and local laws including those related to law enforcement personnel actions;
13. Meet and Confer Policy and Process;
14. Ride-a-longs and other equivalent immersive experiences;
15. The criminal justice process (bookings and arrest, interaction with Immigration and Customs Enforcement officials, etc.).
16. Trauma-informed and healing practices for community complaint intake process
17. Law enforcement oversight, community policing, and constitutional principles of policing;

D. Stipends

It is recommended that the City of San Rafael provide stipends for Commission members' duties, training, and work.

E. Duties and Authorities

It is recommended that the Civilian Oversight Commission (COC) have the following duties and authorities:

1. *Assisting in the hiring, interviewing and ongoing evaluation of the Independent Auditor*
2. *Establishing and maintaining an accessible two-way complaint process*
3. *Receive and review completed investigations*
4. *Review and Generate Policy Recommendations for Chief of Police and City Council*
5. *Request Data Related to SRPD Pattern or Practice*

- a. The COC shall have the ability to direct the IA to collect data and/or information relevant to SRPD practices that fulfills the COC's oversight powers and duties. The data shall be presented and accessible during public meetings of the COC.

6. *Conduct Public Meetings*

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7. *Collaborate with SRPD*
8. *Conduct Ongoing Community Outreach and Engagement Efforts*
9. *Produce Annual Public Reports (multilingual / multicultural in a method for all community members to access)*
 - a. The IA will work with the COC to produce a minimum of one annual report presented publicly to the City and include but not be limited to;
 - Reviews completed
 - Identified patterns and trends
 - Recommendations for changes to policies, procedures, and/or training practices;
 - Status updates on the implementation of any agreed-upon changes to policies, procedures, or training practices;
 - Community engagement activities;
 - Crime reports and statistics related to SRPD jurisdiction, including but not limited to RIPA data;
 - Data related to the complaints received by the COC and SRPD
 - Investigation outcomes, if any;
 - Identified statistics or measures that may be relevant to SRPD oversight but are currently missing, unreported, or underreported;
 - Any additional report deemed necessary by the IA in collaboration with the COC
10. *Budget Proposal Approval*
 - a. The COC shall work collaboratively with the IA to develop and submit an annual budget to the City Manager
11. *Officer-Involved Shootings, Misconduct, and Use of Force Investigations*
 - a. The SRPD will provide the COC updates and access to the body worn camera footage for review, of all officer-involved shootings or other use of force investigations.
 - b. SRPD, the City of San Rafael, and the Civilian Oversight Commission will jointly Inform the public of the status of ongoing investigations as soon as legally permitted.
12. *Issuing Subpoenas*

The IA may be directed by the COC to the extent permitted by law, to issue subpoenas for the purpose of compelling testimony or receiving relevant documents.

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SRPD Office Liaison

A member of the SRPD serves as a liaison to the COC, acting as a resource and receiving its recommendations for changes to policy, procedures, and training. The liaison will attend COC meetings at the joint invitation of the IA and the COC Chair.

Independent Auditor (IA)

A. Purpose Statement

The Independent Auditor (IA) is a paid position whose mission is to provide all members of the public with effective and independent oversight of the San Rafael Police Department through unbiased investigations, reviews, and analysis of SRPD investigations and community complaints. The IA will work collaboratively with the COC to develop and submit recommendations to the police chief and City, and maintain ongoing communication with San Rafael residents and community members.

Community Engagement & Outreach Coordinator (CEOC)

A. Purpose Statement

The Community Engagement and Outreach Coordinator (CEOC) is a full time paid position tasked with collaborating with the COC to develop a program of regular outreach and communication with the San Rafael community for the purpose of listening to and communicating with residents and workers, with an emphasis on listening and actively engaging San Rafael's BIPOC, poor, and unsheltered community members.

The program developed by the CEOC in partnership with the COC will educate the public in San Rafael about the responsibilities and practices of the SRPD.

Additionally, the CEOC will serve as an administrator for the COC, and assist in all related tasks including:

1. Provide staff support to the work of the IA and the COC
2. Assist in the development, implementation, and communication of the COC's policies and procedures
3. Act as a communication liaison with members of the COC

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4. Assist with accessible reporting and other communications to the community of San Rafael/public.