

DATE: November 17, 2020
TO: Mayor and City Council
FROM: Chief of Police
SUBJECT Hayward Police Department 2019 and 2020 Year End Review

RECOMMENDATION

That the Council receives the Hayward Police Department's report and provides feedback.

SUMMARY

This report serves as a highlight of the actions and accomplishments of the Hayward Police Department beginning in 2019 through August 2020.

BACKGROUND

The year 2020 will go down in history as one of the most trying years for the nation, including our City. The Hayward Police Department has remained committed to our mission to protect and serve our community while under a shelter in place health order due to an unprecedented pandemic. The Hayward Police Department's sworn, and professional staff continue to provide exceptional service to the Hayward community through these trying times.

DISCUSSION

Hayward Police Department Organization and Structure

The Hayward Police Department's FY2021 adopted operating budget was \$82,530,225 with 326.5 full time employees. The Police Department is comprised of five divisions: Office of the Chief, Patrol, Investigations, Support Services, and the Special Operations Division. The City Council froze 12 permanent sworn positions and 6 professional staff positions for cost saving measures during FY 2021.

The Office of the Chief provides overall administration and management of the Department. The four Division Commanders of Patrol, Special Operations, Investigations, and Support Services report directly to the Chief. In addition, Internal Affairs and Commission on Accreditation for Law Enforcement Agencies (CALEA) Administration/Research and

Development also report directly to this office. Members of the Patrol Division are the police officers our city residents and visitors are most likely to interact with on a day to day basis.

The Patrol Division is comprised of seven patrol teams that respond to emergency and non-emergency calls for service from the community 24 hours a day, 7 days a week. The City of Hayward is broken up geographically into 9 beats with 5 beats in the North and 4 beats in the South. One patrol officer is assigned to a beat per shift. This means there are nine patrol officers on duty to respond to all calls in the City at any given time. The Patrol Division is also responsible for developing and training entry level and lateral police officers in the Field Training Program to help transition police recruits from the academic environment of the basic police academy to the performance environment of a police officer in the field. All aspects of the Patrol Division's operations are guided and shaped by the Department's Community Policing and Problem-Solving Philosophy.

The Investigations Division is comprised of three major bureaus of operation - the Criminal Investigations Bureau, the Special Investigations Bureau, and the Youth and Family Services Bureau.

The Support Services Division consists mainly of professional staff providing support through the Communications Center, Jail, Records, Animal Services, Property & Evidence Unit and Crime Scene Technicians.

The Special Operations Division provides for the oversight and management of the Department Personnel and Training Bureau as well as various specialized law enforcement and problem-solving units including District Command, Traffic, Reserve Bureau, K9 Unit, Special Response Unit, and the Community Engagement Specialists.

Crime and Call Statistics

In Calendar Year 2019, there were 128,698 police calls for service, which include dispatched and officer self-initiated calls. Calendar Year 2020 through August had 71,867 police calls for service. This differs from the overall calls received into the Dispatch Center. The overall call volume into the City of Hayward Dispatch Center in Calendar Year 2019 was 308,499 calls. In Calendar Year 2020 through August the Dispatch Center has had 199,560 total calls to date. The Dispatch Center maintains a high level of service to the community with 99.09% of the 911 calls answered within 15 seconds. The average response time for officers dispatched to a Priority 1 call from January through August 2020 was 4 minutes and 43 seconds. Priority 1 calls are defined as involving an immediate, in-progress emergency or significant property damage (examples include: in-progress robbery, shooting, rape, domestic violence, or injury vehicle accident).

Part 1 Crimes January – July 2019 compared to the same time frame in 2020 show a significant increase in property crimes as identified in Table 1 below. Shelter-in-Place (SIP) orders due to COVID-19 went into effect in Alameda County on March 15, 2020. Hayward, as well as most other cities in Alameda County, have seen increases in property crime since the SIP orders went into effect. Non-residential burglaries saw increases partly due to the looting

events of May 30-June 1, 2020. During that night, 71 Hayward businesses were burglarized, which exceeded the total number of burglaries Citywide during the month of May. Additionally, during the SIP, many businesses were left vacant which, provided an environment that made those businesses susceptible to crime. Motor Vehicle Theft was impacted the most with the largest increase in reported cases.

Table 1: Part 1 Crime Comparison January to July 2019 v. 2020

Part 1 Offenses	Jan to July 2019	Jan to July 2020	# Change	% Change
MURDER	3	8	5	166.70%
FORCIBLE RAPE	33	36	3	9.09%
ROBBERY	156	149	-7	-4.49%
AGGRAVATED ASSAULT	124	128	4	3.23%
VIOLENT CRIME TOTAL	316	321	5	1.58%
TOTAL BURGLARY	279	408	129	46.24%
Residential Burglary	87	66	-21	-24.14%
Non-Residential Burglary	192	347	155	80.73%
LARCENY	1822	1877	55	3.02%
Larceny From Vehicle	1039	1157	118	11.36%
MOTOR VEHICLE THEFT	722	1191	469	64.96%
ARSON	18	13	-5	-27.78%
PROPERTY CRIME TOTAL	2841	3489	648	22.81%
TOTAL PART 1	3157	3810	653	20.68%
<small>Auto Burglary totals are included in Larceny.</small>				
Domestic Violence	349	345	-4	-1.15%
Hate Crimes	2	0	-2	-100.00%
<small>DV and Hate Crimes, depending on crime type, may or may not be included in Part 1</small>				

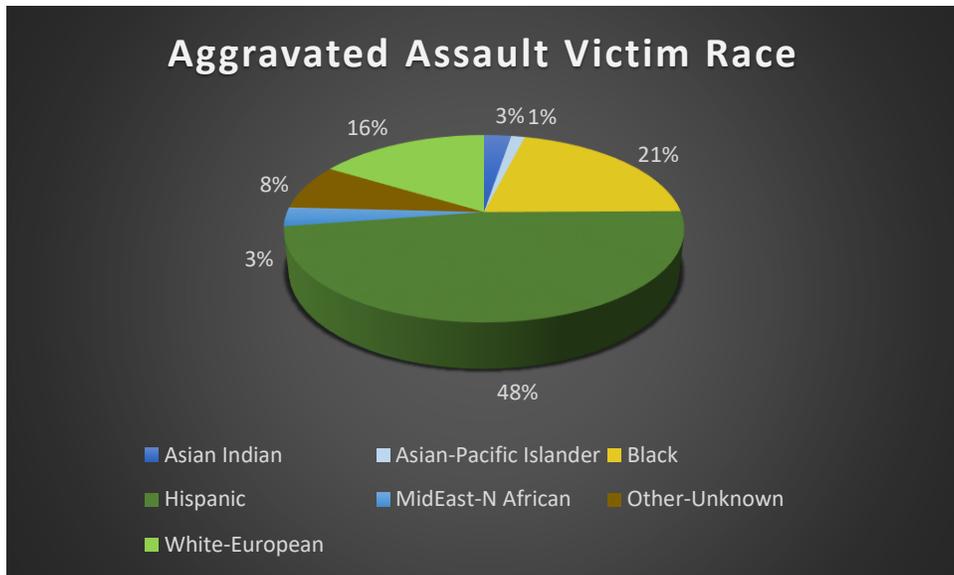
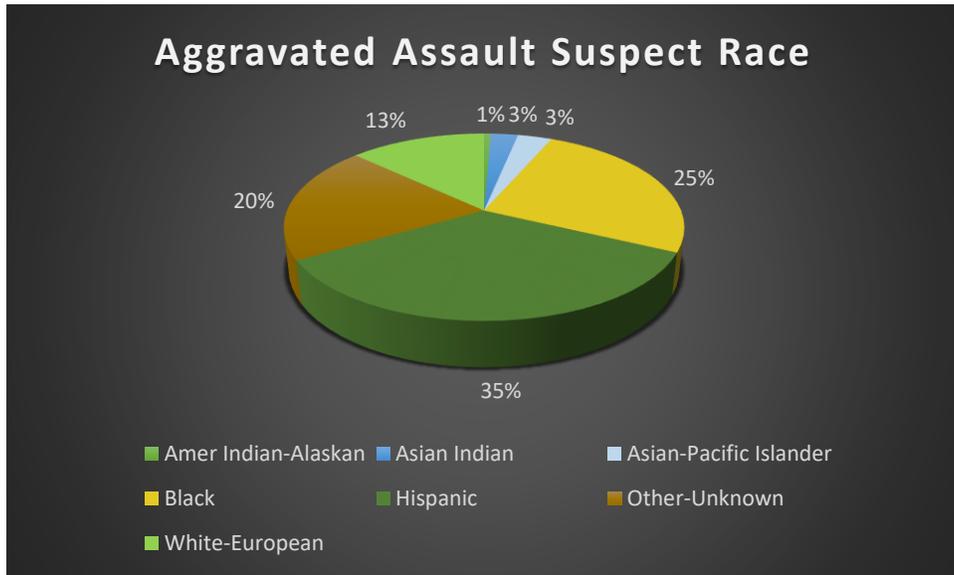
Table 2: 5-Year Part 1 Crime Comparison

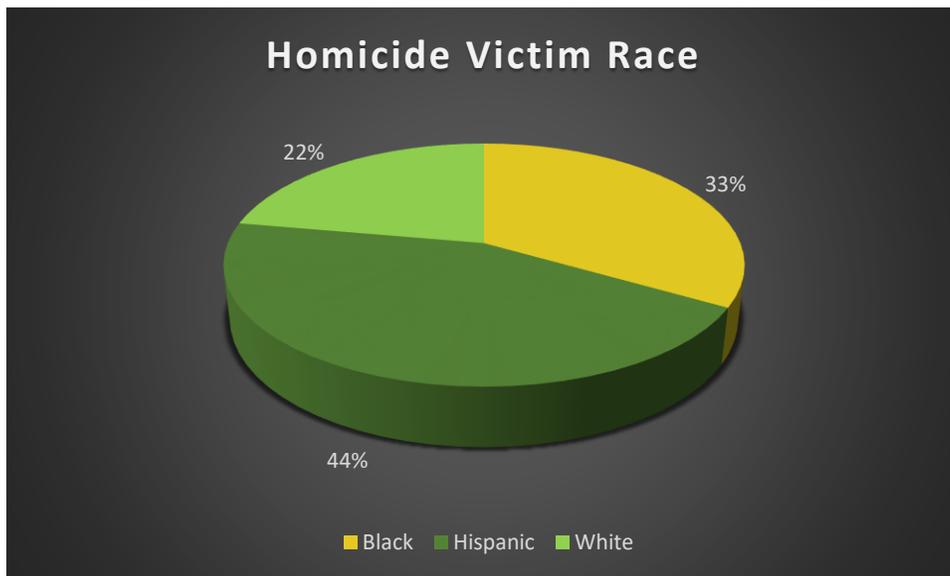
Part 1 Offenses	Jan to July 2016	Jan to July 2017	Jan to July 2018	Jan to July 2019	Jan to July 2020
MURDER	3	4	0	3	8
FORCIBLE RAPE	39	39	61	33	36
ROBBERY	202	150	203	156	149
AGGRAVATED ASSAULT	101	116	126	124	128
VIOLENT CRIME TOTAL	345	309	390	316	321
TOTAL BURGLARY	415	279	318	279	408
Residential Burglary	172	141	131	87	66
Non-Residential Burglary	233	138	187	192	347
LARCENY	1413	1560	1733	1822	1877
Larceny From Vehicle	750	749	948	1039	1157
MOTOR VEHICLE THEFT	808	1066	829	722	1191
ARSON	9	17	10	18	13
PROPERTY CRIME TOTAL	2645	2922	2890	2841	3489
TOTAL PART 1	2990	3231	3280	3157	3810

The following four pie charts depict the demographic breakdown of victims and offenders for two significant Part 1 crime types: aggravated assault and homicide. These data sets can be compared to demographic stop data (refer to Traffic section below) and demographic use of force data (refer to Internal Affairs section below) as they more accurately reflect proportionality in the analysis of crime and its relation to who is being stopped and who is involved in use of force incidents. It should be noted that only these crime types were included due to limitations in technology and the amount of staff time required to retrieve this data. Since the current RMS/CAD system would not allow for the simple retrieval of this data, the Crime Analysis Unit pulled victim and offender demographic information from each individual crime report, which proved to be a very time-consuming endeavor.

Commonly, demographic crime data, stop data, and use of force data sets are compared with population demographics. However, these are not comparable data sets because crimes committed in Hayward are not proportional to population demographics. Additionally, these data sets do not account for offenders who commit crimes in Hayward but do not live in the City or repeat, chronic offenders who, individually, can cause increases in these data sets. As an example, during the pandemic, a single offender, who does not live in the City, was arrested 4 times while driving 4 separate stolen vehicles in a single week. Another offender was arrested 4 times for possessing 4 different firearms in a single month.

Victim and Suspect Race for Aggravated Assaults and Homicides January through August 2020





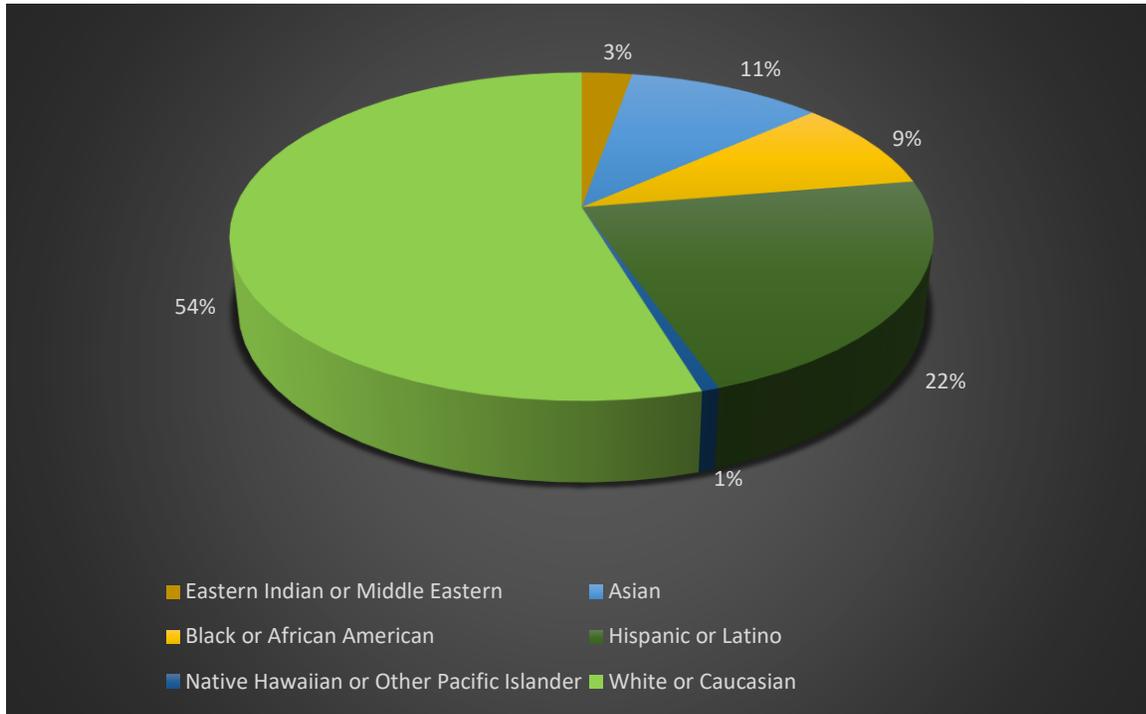
Staffing

In Calendar Year 2019 the Police Department hired 19 sworn staff and 11 professional staff. Of the 19 sworn officers added, 8 were Hispanic males, 5 were White males, and 3 were Asian/Indian males. Black males, Black females, and Hispanic females had 1 new hire in each category. Of the 11 professional staff added, 5 were Hispanic females, 3 were White females, 2 were Black females, and 1 was a White male. There were 3 sworn staff promoted (a Black male, an Asian male, and a White male) and 4 professional staff promotions (2 White females, a Hispanic female, and a White male).

From January through August 2020, the Department hired 16 sworn staff and 7 professional staff. Of the 16 sworn officers added, 6 were White males, 5 were Hispanic males, 3 were Asian/Indian males, and 2 were Hispanic females. Of the 7 professional staff added, 4 were

Hispanic females, and 1 each representing Hispanic males, White females, and White males. There were 5 sworn staff promoted (2 Hispanic females, a Black male, an Asian male, and a White male) and 2 professional staff promotions (1 Hispanic female and 1 White female).

Sworn and Professional Staff Demographics in 2020 (through 8/31)



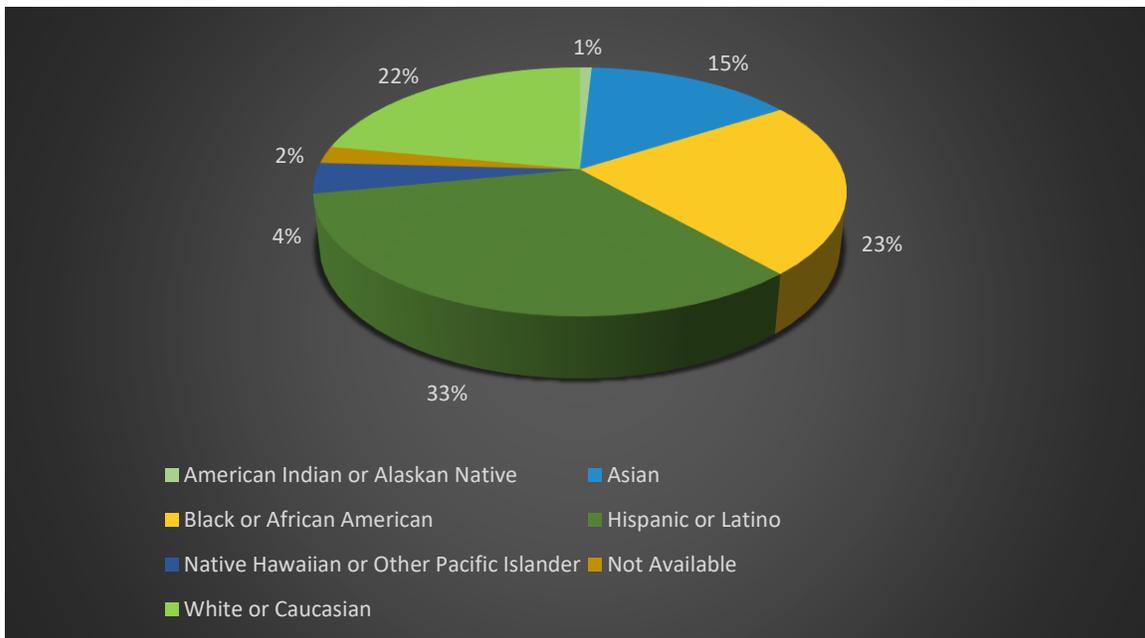
Nationwide, interest in becoming a police officer is down significantly. Police departments around the country are seeing service and medical retirements at unprecedented rates and are not able to fill open positions fast enough. The Hayward Police Department is in the same position. In May 2018, the Police Department contracted with EPIC recruiting, but recently ended that contract. There was a positive impact from the resources placed on recruitment in the last couple years, but the result of those resources being redirected is not yet measurable (especially combined with the COVID-19 pandemic and the national narrative around policing). See the charts below.

Table 3: Sworn and Professional Staff Applications Received - Year over Year Comparison

Position Application Category	2017	2018	2019	2020 (through 8/31)	Changes 2018 to 2019
Sworn Positions Total	478	1,732	1,768	918	2% increase

Sworn Female	57	350	312	188	11% decrease
Sworn People of Color	323	1,199	1,329	904	11% increase
Sworn No Response	14	35	27	14	23% decrease
Professional Staff	N/A	2,350	2,865	518	22% increase

Sworn and Professional Staff Applications Received in 2019 and 2020 (through 8/31)



Hiring qualified candidates and retaining quality employees remains a daunting challenge. At the same time, diversifying the Police Department remains a priority. Recruitment is the primary means of impacting diversity within the organization, and based upon recent recruiting efforts, there has been an increase in applications received from a diverse pool of candidates.

As noted in last year’s report, the number of applications (both sworn and professional staff) has increased, and the Police Department continues to process applications and surveys with no knowledge of a candidate’s background, race, ethnicity, sexual orientation, gender or age. In the past year, the Police Department has made several suggestions to further racial equity and lessen the chances of disparate impact. The first suggestion was to utilize a “Candidate Number” on the pre-background surveys rather than the candidate’s actual names. The second was moving the typing test (part of the recruitment for several positions in the

department) to the end stages of the recruitment rather than in the beginning. HPD and HR have also discussed obtaining software that allows the City to offer that test free of charge to the applicant.

Additionally, there are multiple phases of the hiring process. The outcome of these hiring process phases is outside the control of the Police Department. For example, a candidate's successful completion of an extensive background investigation, polygraph examination, psychological examination, and medical examination have nothing to do with the candidate's demographics and are administered independent of the Police Department. Each phase of the hiring process has been thoroughly vetted to ensure we are conforming to best practices and standards in an effort to maximize the ability for each candidate to succeed.

HPD requires a psychological examination before almost all classifications can be hired. POST only mandates it for Officers and Dispatchers, but HPD has always required this for most positions organization wide. Our contracted psychologist is Board Certified with a specialty in Police and Public Safety Psychology (PPSP) from the American Psychological Association (APA), and is currently the President of the American Board of Police and Public Safety Psychology. Her examination has five main components and includes: a full Clinical Interview, including History Gathering and Mental Status Examination; Minnesota Multiphasic Personality Inventory-2 Restructured Form Police Candidate Interpretive Report (MMPI-2-RF PCIR); California Psychological Inventory-434 Police and Public Safety Selection Report (CPI-434); Wonderlic Contemporary Cognitive Ability Test (WPT-R) and a Sentence Completion Test (SCT). In addition, the applicant's Background Investigation (BI) is reviewed prior to any testing.

For comparison/contrast, in 2012 the City of Minneapolis dropped four of the five tests they had been administering and only utilized the Minnesota Multiphasic Personality Inventory-2 Restructured Form Police Candidate Interpretive Report (MMPI-2-RF PCIR) during its hiring process. The article referenced below is from 2017 and shined a spotlight on the dangers in taking shortcuts in psychological testing for police and public safety personnel.

<https://www.apmreports.org/story/2017/12/14/minneapolis-police-recruits-psychological-testing>

The table (Table 4) below shows the retention statistics for sworn staff (police officers) over the past six fiscal years. This data demonstrates that the retention of sworn staff within the department has been fairly consistent over this period and shows the challenge of hiring enough officers annually to replace those who retire or resign. FY2020 retention was just slightly lower than the six-year average.

Table 4: FY 2015-FY2020 Sworn Officer Retention Data

FY 2015-FY2020 Sworn Officer Retention Data							
	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	6+ yrs Average
Total (Prior FY)	183	180	183	190	178	178	182
Hired Current FY	15	13	15	9	15	20	14.5
Separated Current FY	18	10	8	21	15	18	15
Total (Current FY)	180	183	190	178	178	180	181.8
	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	6+ yrs Average
HPOA Employee Average	181.5	181.5	186.5	184	178	179	181.75
HPOA Turnover Rate	10%	6%	4%	11%	8%	10%	8%
Retention Rate	90%	94%	96%	89%	92%	90%	92%

According to the FBI’s 2019 Uniform Crime Report, “Nationwide, the rate of sworn officers was 2.4 per 1,000 inhabitants”. Per the 2019 UCR Crime Report, the Hayward Police Department had 1.1 sworn officers per 1,000 inhabitants. Comparison data with other Bay Area agencies shows that most are in the same position we are in, with low staffing numbers.

Table 5: Rate of Sworn Officers per 1,000 Inhabitants

City	Population	Total law enforcement employees	Total officers	Total civilians	Officer Rate per 1,000
Concord	130,615	200	146	54	1.12
Fremont	240,887	281	181	100	0.75
Hayward	161,588	294	180	114	1.11
Livermore	91,418	144	95	49	1.04
Oakland	434,036	1,023	740	283	1.70
Richmond	110,988	227	163	64	1.47

San Francisco	886,007	2,907	2,279	628	2.57
San Leandro	90,297	129	87	42	0.96
Union City	75,202	88	71	17	0.94

Training

The Hayward Police Department not only meets the California Police Officer Standards and Training (POST) continued professional training standards for both sworn and professional staff, but consistently exceeds them.

POST mandated training falls into three basic categories - Perishable Skills/Communications, Continued Professional Training, and Legally Mandated Training.

The first category is Perishable Skills/Communications training which requires a minimum of 14 hours of training in a 2-year period. Of the total 14 hours required, a minimum of four hours in each of the following topics complete the 14-hour requirement:

- Arrest and Control Techniques
- Driver Training/Awareness or Driving Simulator
- Tactical Firearms or Force Options Simulator

An additional 2 hours in either tactical or interpersonal communications complete the Communications portion of that category.

The table below depicts the required POST training and the training that Hayward Police Department conducted (or will conduct) in the 2019-2020 two-year time frame. It should be noted that each training topic listed below incorporates scenario-based training with an emphasis on the utilization of de-escalation and crisis intervention techniques.

Training Category	POST Mandated Training	Hayward Police Department Training
Arrest and Control Techniques	4 Hours	20 Hours
Driver Training/Awareness or Driving Simulator	4 Hours	20 Hours
Tactical Firearms or Force Options Simulator	4 Hours	29 Hours
Tactical or Interpersonal Communications	2 hours	24 Hours

Continued Professional Training is the second category and is required for every peace officer, dispatcher, and dispatch supervisor. A total of 24 hours or more of training is required every two years. This training can be fulfilled through training videos on the POST learning portal, on-site training, as well as off-site training.

Hayward Police Department employees, both sworn and professional staff, exemplify the meaning of “Continued Professional Training” as demonstrated by the numerous and various trainings they request to attend. In 2019, the Hayward Police Department’s sworn and professional staff attended almost 350 off-site continued professional training classes totaling almost 10,000 hours and costing approximately \$274,000. In quantifying these numbers, the Department split the type of continued professional training into two main categories: Discretionary and POST-Mandated. Discretionary training is up to the individual to seek out and request. POST- Mandated training is the training required by POST for every sworn officer or dispatcher upon promotion or acceptance/continuation of a special assignment. The classes were also categorized into four sub-categories as well to better demonstrate the various training that employees request to attend to improve themselves and the Department.

Below are charts showing the breakdown of the Off-Site Continued Professional Training number of attendees, hours, and dollars spent in 2019. As in all prior years, we exceeded the POST mandated minimum of 24 hours of training every 2 years.

Table 6: Classification of Classes by Attendees

Classification of Classes By Attendees	Discretionary 2019	POST Mandated 2019	Total Attendees 2019
Professional Development	70	0	70
Technical Skills	65	2	67
Promotion/Assignment	136	61	197
Update	0	13	13
Total	271	76	347

Table 7: Classification of Classes by Total Hours

Classification of Classes By Total Hours	Discretionary 2019	POST Mandated 2019	Total Hours 2019
Professional Development	2,062	0	2,062
Technical Skills	1,056	80	1,136
Promotion/Assignment	3,801	2,751	6,552

Update	0	248	248
Total	6,919	3,079	9,998

Table 8: Classification of Classes by Total Dollars Spent

Classification of Classes By Total Dollars Spent	Discretionary 2019	POST Mandated 2019	Total Dollars 2019
Professional Development	\$89,331	\$0	\$89,331
Technical Skills	\$15,466	\$859	\$16,325
Promotion/Assignment	\$96,510	\$65,913	\$162,423
Update	\$0	\$5,930	\$5,930
Total	\$201,307	\$72,702	\$274,009

In 2020, the Hayward Police Department, like every police department, was thrown off the usual training plan due to the COVID-19 pandemic. Classes were canceled, budgets were reduced, and training facilities were shut down nationwide due to the restrictions. Even with those challenges, sworn and professional staff attended over 130 off-site continued professional training classes totaling almost 4,500 hours and costing approximately \$88,000.

Below are charts showing the breakdown of the Off-Site Continued Professional Training number of attendees, hours, and dollars spent in 2020 (through 8/31). Even with the COVID-19 pandemic, the Department will again exceed the minimum POST mandated 24 hours of training every 2 years.

Table 9: Classification of Classes by Attendees

Classification of Classes By Attendees	Discretionary 2020	POST Mandated 2020	Total Attendees 2020
Professional Development	29	0	29
Technical Skills	32	3	35
Promotion/Assignment	41	27	68
Update	4	0	4
Total	106	30	136

Table 10: Classification of Classes by Total Hours

Classification of Classes by Total Hours	Discretionary 2020	POST Mandated 2020	Total Hours 2020
Professional Development	818	0	818
Technical Skills	507	240	747
Promotion/Assignment	1,015	1,832	2,847
Update	32	0	32
Total	2,372	2,072	4,444

Table 11: Classification of Classes by Total Dollars Spent

Classification of Classes by Total Dollars Spent	Discretionary 2020	POST Mandated 2020	Total Dollars 2020
Professional Development	\$17,299	\$0	\$17,299
Technical Skills	\$4,051	\$3,309	\$7,360
Promotion/Assignment	\$19,881	\$42,825	\$62,706
Update	\$832	\$0	\$832
Total	\$42,063	\$46,134	\$88,197

Additional on-site trainings not reflected in the charts above include:

- 2 hours March 2019 – Missing Persons Investigations
- 2 hours March 2019 – Child Abuse/SIDS
- 9 hours April 2019 – Building Searches and K-9 integration
- 9 hours September 2019 – Patrol Response to High Risk Calls
- 8 hours March/November 2020 (COVID) -Tac Med
- 2 hours July 2020 – Ethics
- 7 hours July 2020 – Critical Incident Response (communication)
- 9 hours October 2020 – Critical Incident Response (scenario-based de-escalation along with force options)

Legally Mandated Training is the third category. These are state mandated trainings dictated by legislative actions and encompass the following:

- Domestic Violence Updated training – 2 hours every 2 years
- First Aid/CPR/AED Refresher training – 8 hours every 2 years
- High Speed Vehicle Pursuit training – 1 hour annually
- Racial and Cultural Diversity Update training – 2 hours every 5 years

The table below compares the required POST Mandated training and the training that Hayward Police Department conducted (and will conduct) in the 2019-2020 two-year time frame to meet the additional legally mandated trainings.

Training Category	POST Mandated Training	Hayward Police Department Training
Domestic Violence Update	2 Hours every 2 years	2 Hours every 2 years
First Aid/CPR/AED Refresher	8 Hours every 2 years	10 Hours every 2 years
High Speed Vehicle Pursuit	1 Hour Annually	Included in 10-hour Annual Driver Training
Racial and Cultural Diversity Update	2 hours every 5 Years	10 Hours every 2 years

In 2017, the Hayward Police Department first mandated all personnel, both sworn and professional, to attend an 8-hour Crisis Intervention Training (CIT). The course introduced students to the stigma associated with mental illness, intellectual disabilities, and substance abuse disorders. In December of 2020, the Hayward Police Department will again dedicate an 8-hour block of training solely for CIT. The Alameda County Behavioral Health Care Services (AC BHCS) Administration and the Oakland Police Department (OPD) jointly facilitate a 40-hour Crisis Intervention Training. They offer this training to all agencies in the county (not just police agencies). Following last year’s Year End Report dated June 4th, 2019, the Hayward Police Department committed to try and send all personnel through this 40-hour extended CIT course. Due to the authorized size of the class and desirable nature of the training, they had to limit the number of seat reservations each agency could have per class. Since the beginning of 2020, HPD has been able to secure two seats in every class held. Although the COVID-19 pandemic forced the cancelation of classes from April through July, we have been consistently sending two officers to every class held. AC BHCS and OPD also built a 16-hour CIT course for dispatchers that will start in November of 2020. Again, HPD has secured two seats in every class planned.

In 2017, sworn officers were first trained in 8-hours of ICAT (Integrating Communications, Assessment, and Tactics). The goal of ICAT is to enhance officer safety and the safety of the public by providing officers with more options and additional tactical and communication skills to manage critical situations and resolve conflicts peacefully whenever possible safely and effectively. Both in March and August of 2019, a 2-hour update of ICAT training was provided to all sworn personnel.

In January of 2020, a full 10-hour training day was dedicated to De-Escalation skills. The skills taught in this block include detailed instructions on communicating with people who are agitated and initially not complying with officers. Active listening and non-verbal communication skills are taught to help them manage various situations and gain voluntary

compliance. In February of 2020, we also completed 2-hour Tactical Communications training through the POST online portal.

Starting in 2018, the foundational elements of CIT, ICAT and De-Escalation were officially incorporated into all quarterly mandated training for all sworn personnel. These include simulators and scenarios involving case studies of violent and unfolding incidents where varying levels of conflict resolution and/or force are needed based on the effectiveness of that officer's de-escalation abilities.

CALEA

The Commission on Accreditation for Law Enforcement Agencies (CALEA)¹ is an independent accrediting body for law enforcement agencies. CALEA accreditation is recognized internationally as the gold standard in public safety. CALEA accreditation is a voluntary endeavor that requires verified annual compliance with approximately 490 professional standards. The CALEA standards are rigorous and impact every aspect of a law enforcement agency, from administrative requirements through criminal investigation and special operations activities.

The Hayward Police Department (HPD) has maintained CALEA accreditation continuously since 2011 and was awarded accreditation "with excellence" as of 2017. Few law enforcement agencies achieve and maintain CALEA accreditation. For example, California has approximately 500 law enforcement agencies and 16 have CALEA accreditation. Nationally, there are approximately 18,000 law enforcement agencies and 720 have CALEA accreditation.

The genesis of CALEA demonstrates its importance in law enforcement and municipal life today. CALEA was established in 1979 following a period of significant civil unrest and, after several years of research, an accreditation model design was funded by the United States Department of Justice. The executive associations that designed CALEA were: the International Association of Chiefs of Police (IACP); National Organization of Black Law Enforcement Executives (NOBLE); National Sheriffs' Association (NSA); and Police Executive Research Forum (PERF). CALEA is organized as an independent, nonprofit 501(c)(3) corporation and governed by a Commission Board (Commission) composed of 21 members; 11 members are law enforcement practitioners, and 10 members belong to the public and private sectors. The Commission includes representation from local, state/provincial, and international law enforcement and public safety organizations, as well as business, academia, the judiciary, and state/provincial and local government.

Recent Department Policy Changes

In January 2020, as part of its ongoing policy review, the Hayward Police Command staff identified a policy section regarding shooting at or from moving vehicles as one that warranted further analysis. Research was conducted and reviews of other agency policies led

¹ CALEA website: <https://www.calea.org/>

to the development of a language change in the Hayward Police Use of Force Policy, which now prohibits discharging a firearm at or from a moving vehicle “unless a person in the vehicle is imminently threatening an officer or another person with deadly force by means other than the vehicle.”

Additionally, in response to the killing of George Floyd in Minneapolis, the Hayward Police Command staff took swift action and in June 2020, the carotid restraint technique was removed from the Hayward Police Use of Force Policy and its use is no longer permitted. It should be noted that the prohibition of the use of the carotid restraint technique by HPD preceded its de-certification by California P.O.S.T. and the signing of AB 1196 by Governor Newsom, which banned the use of this technique statewide.

Internal Affairs

The Hayward Police Department is committed to a fair and consistent complaint investigation process. The Internal Affairs Unit exists to receive, investigate, and resolve complaints of employee misconduct and to accept employee commendations. The Internal Affairs Unit is comprised of a Lieutenant and a Sergeant, both of whom report directly to the Chief of Police. They work closely with other City staff, including staff from the City Attorney’s Office, investigating allegations of misconduct, addressing other personnel issues, and engaging in risk management practices. In addition to the responsibilities listed above, the Internal Affairs Unit reviews all vehicle collisions, all reportable uses of force, and all lawsuits filed against Hayward Police Department employees.

Any community member, regardless of status, can file a complaint against any Hayward Police Department employee. A complaint may be made at any time of the day or night to the Internal Affairs Unit, the on-duty Watch Commander, or any Hayward Police Department supervisor. Community members do not have to physically come to the police department to make a complaint. Complaints can be accepted by a supervisor in person, either in the field or at the police department, by telephone, or in writing. Written complaints can be sent to the police department via mail or complainants can complete a Hayward Police Department complaint form, which is available at the front counter of the police department (a copy of this completed form is provided to each complainant). Additionally, the Hayward Police Department accepts and investigates third party complaints, which does not require the complainant to have contact with police department staff. Brochures are available, in both English and Spanish, regarding the complaint process and additional information can be found on the police department website².

When a complaint is filed and investigated, an administrative report is generated with a finding. There are 4 possible findings in an administrative investigation: *sustained* (evidence revealed the employee engaged in misconduct), *not-sustained* (evidence could not prove or disprove the employee engaged in misconduct), *exonerated* (evidence revealed the alleged conduct occurred, but it was within department policy), and *unfounded* (evidence revealed the

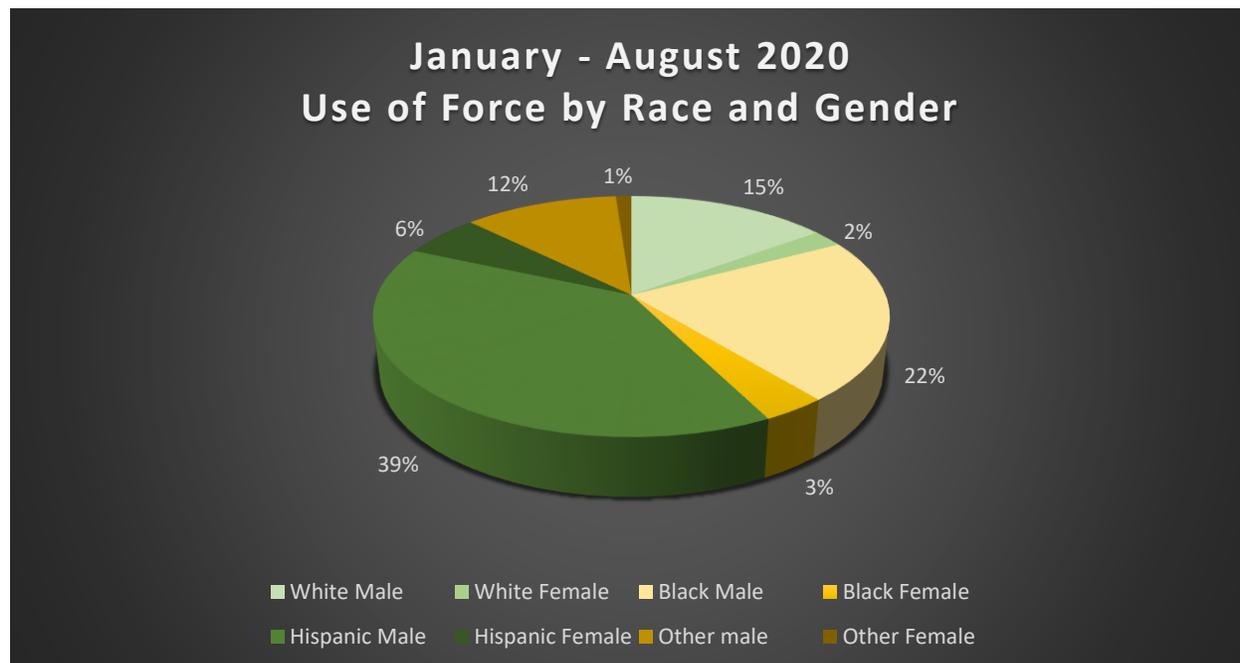
² **Internal Affairs Webpage:** <https://www.hayward-ca.gov/police-department/divisions/office-chief/internal-affairs-unit/internal-affairs-unit>

allegation had no factual basis). Once completed, administrative investigations are routed to the Chief of Police via the involved employee's chain of command. Investigations are reviewed and, if necessary, action is taken. Administrative investigations are part of an employee's personnel file and, as such, they are protected from public disclosure by the Government Code (there are certain exceptions to this, such as SB 1421 which requires public disclosure under certain circumstances). At the conclusion of the investigation, the complainant receives notification, usually via mail, of the investigative findings. The police department is prohibited from releasing other information, including information contained in the investigative file, based upon the Government Code.

According to the Internal Affairs Unit, in Calendar Year 2020 (January through August) there were a total of 87 reportable use of force incidents involving 226 employees involved in 71,867 calls for service. During that same time period, there were 1,373 arrests. Statistically, .12% of all calls for service resulted in reportable uses of force whereas 6.34% of all arrests resulted in reportable uses of force. These numbers are consistent with numbers in previous years. It should be noted that the number of calls for service and arrests are not reflective of the number of public contacts police officers have annually. In fact, the number of public contacts is much greater than the number of calls for service and arrests; however, there is no accurate way to quantify the number of public contacts. If public contacts could be quantified, the number of reportable uses of force and arrests in relation to the number of public contacts would be far lower than .12% and 6.34% respectively.

Between January and August 2020, there were no complaints filed related to any reportable uses of force by police department employees. During the same time frame, there were 19 external complaints (filed by community members) and 6 internal complaints (filed by police department employees based upon policies mandating the duty to report/intercede). Of the 19 external complaints, 11 were unfounded and 8 are still pending investigation. Of the 6 internal complaints, 3 were sustained and 3 are still pending investigation.

Below is a chart of the use of force broken down by race and gender of the person who force was used on.



Community Advisory Panel

In early 2018, former Police Chief Mark Koller commissioned the research and creation of the Community Advisory Panel following recommendations from the Community Task Force and the City Council that this type of body would be beneficial in a number of ways. The purpose of the Community Advisory Panel (CAP) is to strengthen the relationship between HPD and Hayward community members by creating a structured and intentional forum for dialogue between community members and the Hayward Police Department. The Panel was created to provide the Chief of Police and Hayward Police Department with direct community input and provide community members with direct access to the Chief about perceived issues related to the department, the formation of strategies and concepts around community policing, increased public awareness and to provide neutral, third-party insight that supports a productive and inclusive exchange of ideas to be considered in the department’s decision-making process. In the beginning of 2020, the Panel had 1 in-person meeting before the SIP went into effect. The Panel met 3 other times after that to be briefed on officer involved shootings that occurred in 2020. On June 8th, the Community Advisory Panel members hosted an Online Town Hall meeting with Mayor Halliday, Police Chief Toney Chaplin, and City Manager Kelly McAdoo. Scheduling regular meetings, particularly during the pandemic, have proved challenging; however, the goal is to continue meeting and discussing issues in policing in the future. The original charter for the CAP indicated that the group should convene quarterly meetings and the Department will be working with CAP members to establish a regular meeting schedule that helps the group meet its objectives.

Traffic

The Traffic Bureau is currently staffed with 4 traffic officers and 1 traffic sergeant. The Traffic Bureau is authorized to have 9 traffic officers and 1 traffic sergeant; however, staffing shortages have prevented the department from being able to fill these positions. In addition to addressing the traffic concerns from community members, the 4 traffic officers are also responsible for the following ancillary traffic duties: tow company selection and inspections; community tow hearings; taxi cab approval and inspection; parking violations; STEP Grant; Commercial Truck permitting and enforcement; department traffic accident review process; and a few other administrative tasks.

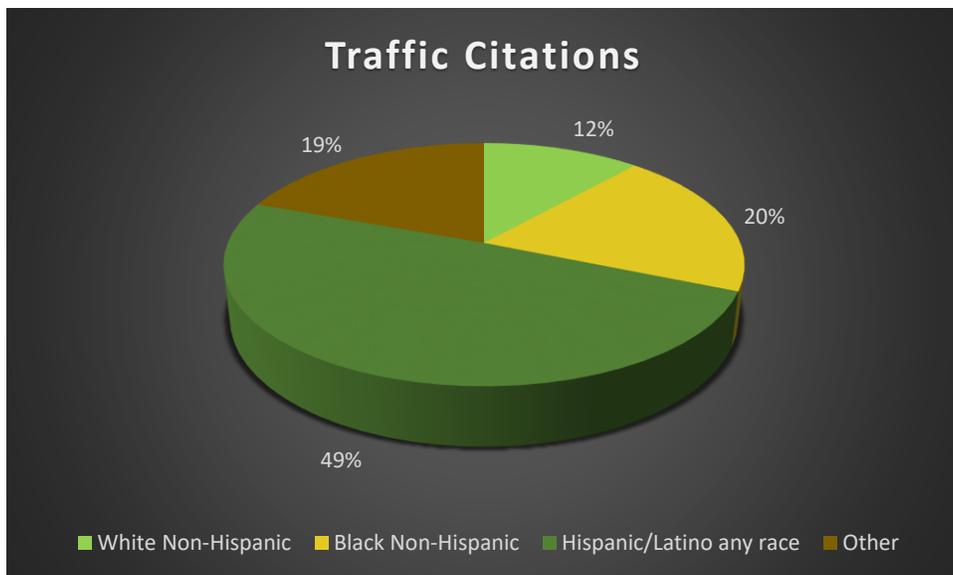
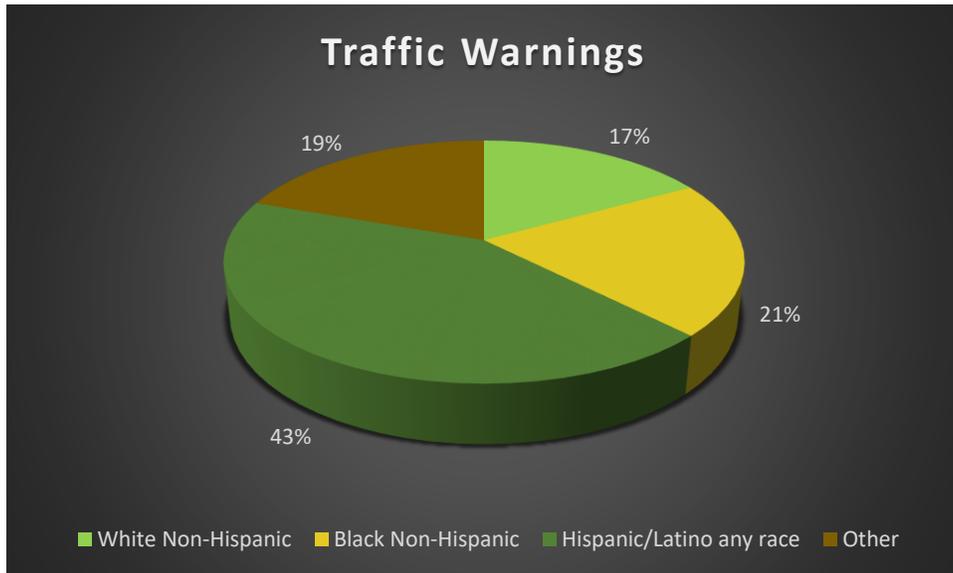
Traffic continues to be a serious concern with community members based on the high volume of traffic related complaints received by the Traffic Bureau. Whether through ACCESS Hayward, email, or phone calls into the traffic office, traffic officers address an average of 20-30 complaints a week. These traffic complaints include a wide variety of issues and locations, from speeding to stop sign violations. Inadequate staffing continues to be the biggest challenge to the timely response to all Citywide traffic related issues.

Over the past 12 months, the Traffic Bureau has responded to 8 fatal accident investigations, which are both time and motion (human hours) consuming. In March 2020, the Traffic Bureau was tasked with preparing a safe traffic plan for the city sponsored COVID-19 testing site. The Traffic Bureau was assigned to monitor traffic and provide security at the test site, which was at Huntwood and Tennyson. Eventually, the test site was moved to Cal State East Bay and again, the Traffic Bureau developed a traffic plan and provided security based on requirements from the Governor's Office. The Traffic Bureau has continually worked with HFD throughout the pandemic, including at the new site at the former Skywest golf course.

The Traffic Unit is routinely consulted on traffic matters at other sites and events. The Traffic Bureau worked with CORE to help with their COVID-19 test site in South Hayward, assisted the City with the weekly food drive, and provided traffic security for demonstrators engaged in exercising their First Amendment Rights to freedom of speech as they marched from Target on Hesperian Boulevard to City Hall.

The charts below depict traffic stop data based upon the issuance of both citations and warning citations. The Hayward Police Department CAD system was upgraded by the vendor in May 2019. There was a gap in the collection of demographic data until March 2020 due to an unknown malfunction in the system caused by the upgrade. As soon as the Department was notified that the data was not being collected, it was rectified. The citation data below is from March 31 – August 31, 2020 and uses the CALEA standards for racial and gender categorization. Warnings are described as a documented contact resulting in a verbal or written warning for a violation. Citations are stop related contacts that result in the issuance of a non-custodial citation or notice to appear. The driver's demographic category is based on an observation and assessment by officers at the time of the contact. It should be noted that the technological capabilities of the department's CAD/RMS system will not allow for the differentiation between a pro-active stop based on officer observations and an investigative stop based upon information provided by community members.

The Hayward Police Department will be in full compliance with AB 953, the Racial and Identity Profiling Act of 2015, as required by the law on January 1, 2023. Staff have already begun working with the CAD/RMS vendor to ensure that we will be ready to meet the deadline. This will further allow the department to be transparent with our data as it will be available for anyone to access through the California Department of Justice Open Justice website.



District Command

Community Policing is based upon a partnership between the police and the community whereby the police and the community share responsibility for identifying, reducing, eliminating, and preventing problems that impact the community safety and order. The Hayward Police Department utilizes District Offices to embed departmental personnel into

the community. Rather than centralizing every police function from one central police facility with an expectation for the public to “bring issues to us,” we have established district offices that enable us to extend our community policing efforts and support closer to the neighborhoods served. In 2019, District Command was able to put on a Community Academy, a Spanish Academy, and a Youth Academy to share with our community members how the Police Department works and give them a different look into what goes on behind the scenes. Unfortunately, due to the pandemic, District Command was limited to a virtual Community Academy in 2020.

District Command continued to address concerns identified by the community throughout 2019 and 2020 and many concerns were specifically related to the community’s unhoused population. To address the large number of encampments that have developed across the City, District Command personnel, Code Enforcement, and Maintenance Services have developed a synchronized weekly clean-up date (every Tuesday). This team responds to planned locations every week to conduct abatements of those encampments constituting a public safety hazard after providing a 72- hour warning to the inhabitants. Between 2019 and 2020, there were over 50 encampments abated. It should be noted that 100% of all abatements are in direct response to community complaints and public safety issues. The Hayward Police Department does not pro-actively identify and abate encampments as being unhoused is not a criminal offense.

During the COVID-19 pandemic, the State of California and Alameda County have both recommended adherence to CDC guidance to refrain from abating encampments unless individual housing options are available. Police Department staff are required to balance abiding by this recommendation with the need to respond to community and City staff requests for service related to unhoused persons and encampments.

CDC guidance: *Unless individual housing units are available (i.e. hotel rooms), communities should not be clearing encampments and dispersing people throughout the community. If a community is unable to provide a hotel room or other single occupancy housing and client is asymptomatic, provide outreach services (screening, food, hygiene) and ensure that recommended social distancing is maintained where individual is located, or determine if there is an available shelter opportunity with appropriate social distancing, cleaning and screening procedures that the person would like to access.*

The Homeless Encampment Response Team established protocols to work with the unhoused population during the pandemic. They include a non-immediate response to situations such as fire risks, encampments blocking the public right of way, and encampments that have considerable health and/or safety concerns. Two situations fall under the immediate response category due to health and safety concerns. They are an active fire on-site with necessary evacuations and unhoused persons living in hazardous conditions such as under electrical panels.

In addition to encampment abatements, District Command works closely with community providers and the City’s Navigation Center to assist in connecting members of the City’s unhoused population and those experiencing mental health crisis with services. In 2019,

there were 815 contacts with members of the unhoused population and, through July 2020, there have been 417 contacts. In 2019, the District Command Unit made 131 direct referrals to the Navigation Center and are responsible for over 90% of unhoused community members who received services there.

Youth and Family Services Bureau (YFSB)

In 2020, the Youth and Family Services Bureau (YFSB) received approximately \$1,500,000 in grant funds to support the Bureau’s overarching strategy of reducing and preventing juvenile involvement in the justice system by addressing the root causes underlying problematic behavior, such as mental health challenges, family conflict, substance use, and a lack of access to positive opportunities and support. YFSB’s innovative model of embedding mental health counselors and other social service providers within the police department allowed immediate access to services for youth and families who were struggling. From January 1, 2020 through August 31, 2020 all YFSB counseling and social service programs served a combined total of 4,127 youth, families, and school staff members. Developing a clinical internship program was another accomplishment this year, with two social work interns beginning their placement in September 2020.

The YFSB services provided in 2020 included the in-house Delinquency Prevention Network counseling program offering crisis intervention, counseling, case management and diversion services for youth on probation or at high risk of becoming involved with the juvenile justice system. In September 2019, two new County funded positions were added to expand diversion services and implement two new programs: Life Skills Education and Restorative Justice Groups (for youth in custody at Camp Sweeney and Juvenile Hall). Of the 180 referrals received for YFSB’s in-house services through August 2020, 44% (80 referrals) came directly from police officers who were able to utilize YFSB’s programs to support families instead of escalating their involvement in the criminal justice system. 76% of the clients served by YFSB in 2020 (through August) had no formal involvement with the juvenile justice system and were able to avoid such involvement through services. YFSB also responded to five critical incidents in 2020 through August, providing immediate trauma and grief counseling in the aftermath of serious incidents including homicide, completed suicide, and COVID-19 related death.

The families served by YFSB in 2020 continued to represent the diversity of the Hayward community, as do our direct service staff.

2020 Client Ethnicity (through 8/31/20)

Ethnicity	# of Clients	Percentage
Afghan/Middle Eastern	2	1%
African-American	27	10%
Asian/Pacific-Islander	14	5%
Latinx	143	53%

Mixed Ethnicity	6	2%
Caucasian	5	2%
Other	35	13%
Unknown	38	14%
Total	270	

YFSB Direct Service Staff Ethnicity

Ethnicity	# of Staff	Percentage
African-American	2	18%
Asian/Pacific-Islander	2	18%
Latinx	5	45%
Caucasian	1	10%
VACANT	1	
Total	11	

Also in 2020, YFSB staff provided school based behavioral health services on site at 10 schools throughout Hayward and participated in service coordination teams at all middle and high school sites. School based services included both individual and group counseling, as well as parent and teacher support, and whole school interventions that promoted a positive school climate and created environments where students could learn and thrive. Programs like YFSB’s School-Based Mental Health Programs have been shown to have a positive impact on key young adult outcomes across multiple domains of education, employment, criminal activity, substance use, and mental health.³ Services this year primarily focused on Coordination of Services (18% of contacts), Mental Health (17% of contacts), and Social Skills/Relationship Support (9% of contacts).

In the first two and a half months of this year, the 6 School Resource Officers (SROs) assigned to Hayward’s middle and high schools provided a range of services intended to maintain school safety and build relationships with youth and school staff. One Gang Resistance Education And Training (GREAT) workshop series was taught to approximately 30 students and the entire SRO Unit participated in the Read Across America event reading books to children in honor of Dr. Seuss’s birthday.

In March 2020, as a result of COVID-19 and the County SIP orders, YFSB quickly adapted to the circumstances and made many changes. The counseling and social service programs transitioned most services to virtual platforms. Staff were trained on how to provide telehealth services to clients and were equipped with the tools necessary to successfully offer services remotely. For families in crisis who could not access the technology needed

³ Damon E. Jones, Mark Greenberg, and Max Crowley. (2015). *Early Social-Emotional Functioning and Public Health: The Relationship Between Kindergarten Social Competence and Future Wellness*. American Journal of Public Health 105, 2283_2290,

for telehealth, YFSB maintained minimum staffing levels at the police department to continue this essential service for the community. Protocols were created/updated for both in-person and virtual services to ensure health and safety and maintain compliance with the legal and ethical standards for the field. YFSB Family Counselors and Service Coordinators were able to creatively identify new ways to deliver services at a time when the need for them was more critical than ever.

Relatedly, the YFSB school-based staff supported their school sites as they transitioned to distance learning. This included: regularly participating in Coordination of Services Team meetings at the school sites to connect identified students to resources; following up with students who were not engaged in their distance learning; supporting teacher and staff wellness; and working with the district to develop mental health protocols to support students and families through this difficult time.

Also due to COVID-19, the traditional in-person Junior Giants season had to be transitioned to virtual programming for 2020. 330 youth registered for the program. YFSB Family Counselors contributed content focused on the four bases of character development (confidence, teamwork, leadership and integrity) and attended virtual practices. This platform was used to promote the City's Census Art Contest and one of the winners was a Junior Giants player. YFSB also hosted a book bag drive through event for the t-ball age (5/6-year old) players, as well as an end of season trophy event for all players.

The School Resource Officer Program also continued to provide services to the schools during the coronavirus pandemic, despite being reassigned to patrol.

Some of these activities included:

- Following up on suspected child abuse reports from mandated reporters;
- Providing consultation to school staff and wellness checks in situations of domestic violence, sexual assault, and bullying;
- Investigating numerous incidents of "zoom bombing";
- Providing classroom support and education about cyber safety following "zoom bomb" incidents;
- Supporting the successful drive through graduation events and other pickup events at school sites; and
- Investigating several hoax bomb threats made to school campuses.

Also during this time period, the Hayward Unified School District decided not to renew the annual contract with the City for School Resource Officer services until further conversation with the community. A community Town Hall and several other public meetings took place on this topic. Moving forward, the HUSD Board of Trustees will be evaluating its options for maintaining school safety and will continue this discussion at a School Board meeting in December 2020. In the interim, the work of the SRO Unit has been reassigned to other parts of the department.

On September 23rd, District Command Unit Sgt. Tommie Clayton, Community Services Manager Monica Davis and YFSB Administrator Emily Young participated in "Building Crisis

Care Systems through State-Local Collaboration,” a two-hour workshop focused on utilizing State resources to fund comprehensive Crisis Care Systems in local jurisdictions. The workshop was hosted by the Council of State Governments Justice Center, a national nonprofit, nonpartisan organization that provides policy and research expertise to develop strategies to increase public safety and strengthen communities. Specifically, this workshop was a part of the Stepping Up Initiative, which is a national movement to provide counties with tools to develop cross-systems, data-driven strategies to measurably reduce the number of people with mental illnesses in jails. Although the workshop was relatively short, the presenters were able to focus on some important topics that provided a lot to consider as we move forward trying to determine the best way to meet the needs of those experiencing mental health crises in Hayward. YFSB applied for and was one of only ten local jurisdictions nationwide selected to participate in this workshop.

Results from internal department engagement survey

As a result of the community perception and concerns in the wake of the national policing conversation and the local responses to those issues, the City Council directed City staff to conduct a public safety community engagement project. The Council also directed the Police Department to conduct a concurrent, similar project within the Police Department to analyze the perception and feelings of Police Department employees. A workgroup within the Police Department, including professional staff, sworn staff, and staff from other City Departments, was created and a survey was developed and distributed.

The following 20 questions were presented to Police Department Staff and Questions 6-16 were answered on a Likert Scale, similar to the one below (depending on the question):

1	2	3	4	5
Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree

1. How long have you worked at HPD?
2. Are you sworn or professional staff?
3. List any personal connection you have with the City of Hayward (e.g. live in the City, grew up in the City, graduated from Hayward schools, family that lives in the City, etc.)
4. List the top 3 safety concerns within the City.
5. List your 3 main sources of stress at work.
6. Community expectations are often overbroad when compared to actual job descriptions within police departments. Police department employees are often called upon to deal with non-crime related issues (e.g. homelessness, mental health crises, etc.) I feel community expectations of my current job duties are aligned with my job description within the department.
7. I feel I have been given clear guidance and direction regarding the expectations of my job while working during COVID.
8. I feel there is an issue with policing on a national level.
9. I feel there is an issue with policing on a local level.

10. Most employees at HPD understand the point of national conversations related to policing.
11. The HPD needs more training on cultural sensitivity and diversity.
12. As a Department, we are supported by the City Council.
13. As a Department, we are supported by City executive leadership.
14. As a Department, we are supported by the HPD Command Staff.
15. As a Department, we are supported by the Community.
16. Overall, I feel valued by the City of Hayward as an employee.
17. If given the opportunity, I would leave the HPD to work somewhere else (yes/no)
18. List 3 suggestions for improvement at PD
19. What is your perception of policing in Hayward?
20. How are local conversations about policing impacting employees?

There were 185 surveys completed and returned for analysis. The respondents were comprised of 113 sworn and 63 professional staff with 9 staff members choosing not to identify as either sworn or professional staff. The response rates are consistent with the percentage of sworn (2/3) to professional staff (1/3) employed by the Department.

For data analysis purposes, each response was numerically coded, as indicated above, and responses were combined in the findings (categories 1 and 2 were combined and categories 4 and 5 were combined). The findings of note are as follows:

- Respondents overwhelmingly conveyed feelings of a lack of support
 - o 86% of respondents did not feel supported by City Council
 - o 74% of respondents did not feel supported by City Executive Leadership
 - o 22% of respondents felt valued as a City employee
- Respondents conveyed feelings of support from the community
 - o 62% of respondents felt the Department is supported by the community
- Respondents indicated they would leave the Department to work elsewhere if they were given the opportunity to do so
 - o 55% of respondents would leave the Department
 - o 60% of respondents who indicated they would leave the Department were sworn

After the survey was completed, the Police Department workgroup facilitated internal focus groups to obtain qualitative data based on survey results. Workgroup facilitators met with employee groups and asked the following questions:

- What have we done well to earn the community's trust and support?
- What could we be doing better to communicate and build relationships with the community?
- What are your ideas for how we can increase communication and further build community relationships?
- Do you have any other suggestions on how we could improve service to the community?

- Why do HPD employees feel unsupported by the City's Executive Leadership and the City Council?
- If you had a magic wand and the Department had strong support from City Council and City Executive Leadership, what would that look and feel like?
- If you were in a room with the City Council, what would you want them to hear?

After the focus groups were held, data analysis was conducted and several themes were identified (refer to Attachment 6 for complete list). They include some of the following:

- *Concerns about the emotional state of HPD employees*
 - o Feelings of being demoralized and unsupported
 - o Expressions of feeling worn down, stressed, tired, frustrated, hurt, exhausted, overworked, and demotivated by the current climate
 - o Feelings of fear
 - o Feelings of concern that employees are actively looking to work elsewhere
 - o Feelings of frustration because the City and City Council have not acknowledged Department employees have been working through the pandemic
- *Concerns about increases in crime and changes in criminal prosecution/policies*
 - o Concerns about increases in crime – gun and gang violence, property crime, traffic, etc.
 - o Concerns about decrease in tools to address crime and release of repeat offenders
 - o Concerns about impacts of zero bail system
 - o Concerns about mental health issues and feelings Department employees should not be responding
- *Ideas and concerns related to community relations*
 - o Feelings that Department is professional and truly cares about the community
 - o Desire to build on positive connections with community
 - o Desire for improved communication with community
 - o Desire to create opportunities to provide education on Department and to listen to community concerns
- *Concerns about a lack of staffing*
 - o Concerns about individual and community safety due to lack of staffing
 - o Concerns about employee retention
 - o Concerns about City growth and stagnant staffing levels (for past 20 years)
 - o Concerns about frozen position and lack of competitiveness with other Departments in pay and benefits
- *Concerns about City Council and City Leadership's lack of knowledge about Department*
 - o Concerns about treatment based on national events
 - o Concerns about being undervalued and implementation of policy decisions without being fully informed or without Department input
 - o Concerns about lack of knowledge of Department operations
 - o Concerns about lack of recognition of employee pain
- *Concerns about resources*
 - o Concerns about dilapidated condition of Department facilities
 - o Concerns about lack of technology to keep employees and community safe

- Desire for more training opportunities
- *Concerns about homelessness*
 - Concerns about homelessness, mental illness, and substance abuse
 - Concerns about inability to address community complaints due to the pandemic
 - Concerns about the time spent on homelessness and the inability to make an impact

Other concerns expressed included, but were not limited to, working during the pandemic, relationships with other City Departments, work conditions, fear of losing jobs due to the removal of funding, increasingly disrespectful behavior from public towards Department employees, lack of access to affordable housing and health care for community members, poor traffic engineering, and poor schools. Respondents also expressed a desire to re-evaluate calls Department employees respond to.

ECONOMIC IMPACT

There is no economic impact on the community as a result of this report.

STRATEGIC ROADMAP

This agenda item is a route operation item and does not relate to any of the projects outlined in the Council's Strategic Roadmap.

FISCAL IMPACT

There is no fiscal impact associated with the review of this report.

NEXT STEPS

The Hayward Police Department is committed to engaging with all community stakeholders to address public safety issues and to identifying ways to improve the delivery of services. The City Manager will present recommendations in a separate document prior to Tuesday's meeting and City Council direction will determine next steps.

Prepared by: Lesley Hayes, Sr. Crime and Intelligence Analyst

Recommended by: Toney Chaplin, Chief of Police

Approved by:



Kelly McAdoo, City Manager