



The Commitment (CIECC)

Appendix

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A. Reference Documents and Endnotes:

The following documents and plans are referenced in, and were used to inform, many of the action items recommended by the Hayward Community Taskforce in the Commitment (CIECC) document:

1. The Commitment (CIECC) - Section E – Enhancing Community and Police Relations:

- A. **Reference:** The Final Report of the President’s Task Force on 21st Century Policing, dated: May 2015 (President’s Report). This report describes six pillars on which law enforcement best practices were developed. This report served as the basis for many of the recommended Community and Police Relations action items listed in the Commitment (CIECC) document. For more information about the President’s Report, go to: www.cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf.
- B. **Reference:** The action items in the Community and Police Relations section related to body worn cameras are based on best practices documented in, The Leadership Conference: Police Body Worn Cameras: A Policy Scorecard, updated August 2016 (BWC Scorecard). This report was developed by The Leadership Conference on Civil and Human Rights, convened by Upturn, and is based on input from a coalition of civil rights, privacy, and media rights groups. For more information, go to: www.bwcscorecard.org/.
- C. **Reference:** Several of the action items in the Community and Police Relations section are based on findings in the Hayward 2016 Commission on Accreditation for Law Enforcement Agencies (CALEA) Assessment Report. To access this report, go to: www.hayward-ca.gov/police-department/about/calea .



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D. Reference & Endnote – re: Action Item E.1.2: Ref: To Protect and Serve; How to Fix America’s Police, by Norm Stamper, Retired Seattle, Washington Police Chief. Norm Stamper states that there should be an equal partnership between the community and law enforcement (pages 247-248).

Additional Hayward Community Taskforce Endnote: As with every other suggestion in this book, it all starts with the community and their police establishing an authentic, mutually respectful partnership--and working together. The partners’ job in this context is to ensure protection of First Amendment and other Bill of Rights guarantees and to prevent violence and property destruction during both planned and unanticipated demonstrations.

“And all of this should be reduced to writing, in a document we’ll call ‘The Agreement.’ The Agreement is just that: All stakeholders agreeing to the scope and nature of the theoretical and literal meaning--and the practical and political implications--of *co-policing* ‘critical incidents’.”

“A genuine partnership is a 50-50 proposition. [Community members], as selected not by the police but amongst themselves, must have an equal say in how events are policed, whether planned a year in advance or materializing spontaneously. Given that neither side gets to decide unilaterally, a tremendous amount of soul searching, philosophizing, questioning, and practical, hard-core planning is essential. That includes the discipline of learning from the successes and failures of other jurisdictions.” Partnership assumptions:

- “Whatever faults and other historical baggage the police might bring to the partnership, they also bring considerable knowledge, wisdom, and skills. Moreover, they contribute weapons, badges, uniforms, vehicles, and specialized emergency equipment--all the trappings of coercive authority, which on occasion is essential to the cause of protecting life, property, and, yes, civil liberties. Consider if the first responders to the November 2015 terrorist attacks in Paris were not so equipped, were not identified by their badges and uniforms.”
- “How this coercive authority is exercised must be negotiated between the partners. To the maximum extent possible, effective ‘self-policing,’ that is internal security, should be arranged in advance.”
- “It must be understood that where self-policing breaks down and violence erupts or is imminently threatened, it’s time for the unarmed, non-uniformed [community] partners to take a back seat to traditional police authority--exercised, of course, in accordance with the values, stipulations, and specific procedures of The Agreement.”
- “Each side of the partnership must commit to continuous learning, taking stock of the response to all major events, including natural disasters, industrial accidents, fires, and political protests and demonstrations.”

Note: The term community members is substituted for the term citizens in the above quotations.



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Policy References: Throughout the Commitment (CIECC) Document, City policy and document references are provided where an Action Item is to be cross referenced or coordinated with an existing City policy or initiative. Following are definitions for the Policy Reference abbreviations noted in the Commitment (CIECC).

- A. **SICC:** The City’s Complete Communities (SICC) Strategic Initiative Action Plan (adopted on June 20, 2017)
- B. **SICS:** The City’s Complete Streets (SICS) Strategic Initiative Action Plan (adopted on June 20, 2017)
- C. **SITC:** The City’s Tennyson Corridor (SITC) Strategic Initiative Action Plan (adopted on June 20, 2017).

B. Current City Guiding Principles, Policies, and Practices:

Hayward Community Taskforce Subcommittees developed many recommended Action Items for the City to undertake as part of the Commitment (CIECC). The following represent operating guidelines, principles, policies, and practices that were recommended, and which the City is already implementing. These are listed below in acknowledgement of those recommendations, and the Taskforce members’ support of these items.

Section III: – Dismantling Illegal Forms of Discrimination: Following are recommendations of the Community Taskforce Dismantling Illegal Forms of Discrimination Subcommittee which the City is currently implementing:

The City shall prohibit discrimination against families with minors in residential rental housing.

Section IV: – Implementing the Sanctuary City Resolution: Following are recommendations of the Community Taskforce Sanctuary City Subcommittee which the City is currently implementing:

Share the availability of legal services to Hayward residents (individuals and families) with concerns around immigration status.

Section V: – Enhancing Community and Police Relations: Based on best practices research¹ and local community input, the following principles, policies and practices guide the work of the Hayward Police Department:

1. The Hayward Police Department establishes and practices a culture of transparency and accountability to build public trust and legitimacy, and to help ensure that decision making is understood and in accord with stated policies (Pillar 1).
2. Trust is diminished when law enforcement acts as, or is perceived to be, an occupying force coming in from outside to rule and control the community. Consequently, the Hayward Police Department

¹ See References and Endnotes provided in Section A. of the Appendix.



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culture embraces a mindset of public service and partnership to build trust and legitimacy within the community (Pillar 1).

3. Police officers cannot simply rely on rules and policies as they interact with the public, as most a police officer's work is done independently, outside the immediate oversight of a supervisor. Consequently, the goal is to create an agency culture where values and ethics guide each police officer's decision-making process when they interface with the community (Pillar 1).
4. The Hayward Police Department builds trust in the community by relating as a firm, and yet accessible, partner which is equitable and consistent in its contacts and relationships with all community members, regardless of their personal characteristics (Pillar 1).
5. The Hayward Police Department acknowledges the role that policing in general plays in past and present injustices and discriminatory acts, recognizes how this hinders the building of a trusting relationship with the community, and commits to taking steps that will strengthen mutual trust between the HPD and the community (Pillar 1).
6. The Hayward Police Department promotes the fair application of the law internally within the organization by applying the principles of procedural justice that reflect the extent to which outcomes are reached in a fair and equitable fashion (Pillar 1).
7. The Hayward Police Department considers and weighs the crime-fighting effectiveness of the use of military equipment against the potential collateral damage to community trust when military equipment is used in law enforcement. Military equipment may only be used with pre-approval of command staff and will include a debrief with staff to evaluate impact and effectiveness (Pillar 1).
8. The Hayward Police Department continues to collaborate with community members to develop policies and strategies in communities and neighborhoods disproportionately affected by crime and deploy resources that aim to reduce crime by building positive community relationships, greater community engagement, and cooperation (Pillar 1).
9. The Hayward Police Department establishes, or reinforces existing, comprehensive policies on the use of force, that include: training, investigations, prosecutions, data collection, and information sharing. These policies and procedures are clear, concise, and openly available for public inspection (Pillar 2).
10. The Hayward Police Department implements non-punitive peer review of critical incidents that are separate from criminal and administrative investigations (Pillar 2).
11. The Hayward Police Department refrains from practices which requires officers to issue a predetermined number of tickets, citations, arrests, or summonses, or to initiate investigative contacts with community members for reasons not directly related to improving public safety, such as generating revenue (Pillar 1).



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- 12.** Hayward Police Department officers seek consent before a search and explain that a person has the right to refuse consent when there is no warrant or probable cause. Furthermore, officers document the acknowledgement that they have sought consent to a search in these circumstances using audio or video recordings, or written documentation (Pillar 1).
- 13.** Hayward Police Department officers, in addition to displaying a unique badge number, carry business cards containing their name, rank, command, and contact information, and distribute these cards in their law enforcement encounters with the public. This enables individuals to offer suggestions, commendations, or to file complaints about the officer (Pillar 1).
- 14.** Hayward Police officers provide their business card (displaying their name, rank, command, and contact information) to individuals they have stopped. In addition, policies require officers to state the reason for the stop and the reason for search activities when conducted (Pillar 1).
- 15.** The Hayward Police Department established search and seizure procedures related to Lesbian, Gay, Bisexual, Transgender, Questioning (LGBTQ) populations, and do not use the possession of condoms as the sole evidence of vice (Pillar 1).
- 16.** The Hayward Police Department utilizes smart technology designed to prevent tampering with or manipulation of evidence (Pillar 3).
- 17.** The Hayward Police Department adopts the use of new technologies to help better serve people with special needs or disabilities including, but not limited to: technology based community engagement techniques that increase transparency and accessibility, technology that provides access to law enforcement data (i.e. crime statistics and calls for service data), and allows for public posting of policies, procedures, and other notices in a manner that enables access and usage by persons with disabilities (Pillar 3).
- 18.** Hayward Police Officers use least harm resolutions, such as diversion program(s), warnings, and citations in lieu of arrests for minor infractions (Pillar 4).
- 19.** Hayward Police Officer performance includes evaluation of Officers' efforts to engage with community members in non-enforcement activities and partnerships, and will evaluate its patrol deployment practices to allow sufficient time for patrol officers to participate in problem solving and community engagement activities (Pillar 4).



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- 20.** The Hayward Police Department engages in multidisciplinary, community team approaches for planning, implementing, and responding to crisis situations with complex causal factors such as mental health crisis situations, homelessness, substance abuse, domestic violence, human trafficking, and child abuse. The objective is for Hayward Police Department officers to be trained and equipped to make use of existing community resources in dealing with crisis situations, including peer support counselors as part of multidisciplinary teams when appropriate (Pillar 4).
- 21.** Hayward supports a policing culture and practice that promotes the dignity of all, especially the most vulnerable members of our community (Pillar 4).
- 22.** Hayward Police Department develops programs that create opportunities for patrol officers to regularly interact with students, neighborhood residents, faith and community service representatives, business owners, and other community leaders (Pillar 4).
- 23.** Community policing emphasizes working with neighborhood residents to co-produce public safety. Hayward Police Department works with community residents to identify problems and collaborate on implementing solutions that produce meaningful results for the community (Pillar 4).
- 24.** The Hayward Police Department works with educational and criminal justice agencies at all levels of government to reform policies and procedures that avoid pushing juveniles into the adult justice system (Pillar 4).
- 25.** The Hayward Police Department, through its Youth and Family Services Bureau, works with local schools and encourages them to adopt an instructional approach to discipline that uses interventions and disciplinary consequences to help students develop new behavior skills and positive strategies to avoid conflict, redirect energy, and refocus on learning (Pillar 4).
- 26.** City of Hayward and Hayward Police Department work together to build trust between youth and police by creating programs and projects for positive, consistent, and persistent interaction between youth and police (Pillar 5).
- 27.** The Hayward Police Department makes available leadership training to all personnel throughout their careers (Pillar 5).
- 28.** Hayward Police Department works with various institutions of higher education (including CSUEB and Chabot College) to support a culture that values ongoing education and the integration of current research into law enforcement training, policies, and practices (Pillar 5).



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- 29.** The Hayward Police Department supports and encourages cross-discipline leadership training (Pillar 5).
- 30.** The Hayward Police Department has policies which apply to, and requires training for, all HPD personnel in cultural diversity, internalized racism, unconscious bias, and related topics designed to build trust and legitimacy in diverse communities. This is accomplished with the assistance of advocacy groups that represent the viewpoints of communities that have traditionally been disproportionately impacted by law enforcement and the criminal justice system. The diversity training for HPD personnel includes such topics as: Interactions with community members who might differ from HPD personnel in their political preference, economic status, place of origin, immigration status, religion, age, race, ethnicity, gender, gender identity, sexual orientation, physical ability, and other personal characteristics. The personnel training also includes the topic of establishing appropriate sexual boundaries with residents and in the workplace to prevent sexual misconduct and harassment (Pillar 6).
- 31.** The Hayward Police Department promotes safety and wellness, including mental health, at every level of the organization. To this end every Hayward Police officer is provided with individual tactical first aid kits and training, and are required to wear seat belts and anti-ballistic vests while on duty; training is provided to raise awareness of the consequences of failure to utilize these practices (Pillar 6).
- 32.** The Hayward Police Department’s policy on police body-worn cameras:
 - A.** Publishes the most recent publicly available version of its body-worn cameras policy on its website (CPB01);
 - B.** Clearly describes when officers must record, and requires officers to provide concrete justifications for failing to record required events (CPB02);
 - C.** Specifically protects categories of vulnerable individuals (e.g. victims of sex crimes) from being recorded without their informed consent (CPB03);
 - D.** Requires that the Department delete unflagged footage within six months (CPB05);
 - E.** Prohibits both footage tampering and unauthorized access, and requires that all access to recorded footage will be logged (CPB06).



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C. Community-Driven Action Items:

The Community Taskforce identified many action items that are most appropriately driven by community members. While the following are not actions for the City to direct, City support will be provided as needed to community groups that undertake the following actions:

Action Items Recommended by the Community Taskforce Sanctuary City Subcommittee:

1. Create Hayward specific “What it Means to be a Sanctuary City in Hayward” information cards / brochures in multiple languages, similar to the red “Know Your Rights Cards” cards). Include information about the different methods that the public can use to report actions taken by ICE and/or other federal agencies to the City. Use existing events (i.e. street parties, etc.) that exist all over the City to distribute information.
2. Create a long-term team of community members that will review the social justice issues affecting Hayward residents and the policies the City has enacted.
3. Advocate that any City policy or memo that allows for collaboration with ICE be changed to ensure complete separation.
4. Research area School District’s actions related to Sanctuary City Policies, as well as the Sanctuary City policies and practices of SF Bay Area communities and determine if Hayward should adopt any additional policies or practices.
5. Learn about the Federal Executive Order Travel Ban and work with the City to inform community members about its status and impact.
6. Research HPD’s Policy Manual to determine if there are any inconsistencies with HPD Policy No. 415 and the intent of the Hayward Sanctuary City Resolution.
7. Compare City, School District, and other local public agencies (HARD, Alameda County, Chabot, CSUEB, East Bay Regional Parks, etc.) that have Sanctuary policies to determine if there are any inconsistencies among them.
8. The youth of Hayward should be polled to determine their views, questions, concerns, ideas, and/or needs around the City’s Sanctuary City Resolution.



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9. Determine if there are any economic hardships in Hayward as a result of the Hayward Sanctuary City status.
10. Advocate for Chabot College becoming a sanctuary campus.
11. In partnership with the City, educate HUSD teachers and support staff about the City of Hayward’s Sanctuary City Resolution, and what it means for Hayward students and their families.
12. Create a curriculum for HUSD students, as well as teachers and staff, to teach up-to-date and relevant information around current City immigration policies and procedures.
13. Work with HUSD to create guidelines for administration and staff to comply and support the City of Hayward’s Sanctuary City Resolution.
14. Make it a high school requirement for Hayward students to learn about Hayward’s Sanctuary City Resolution.
15. The Hayward Area Recreation and Park District (HARD) should publicly state its support for the City’s Sanctuary City Resolution and post its public statement in HARD’s Parks, Community Centers, and offices.
16. Create an alert system to warn residents when ICE or other Federal agencies are currently in the City of Hayward.
17. Research status of the implementation of the funds that support the legal and advocacy services provided through the Alameda County Immigration Legal & Education Partnership (ACILEP).
18. Utilize crowdsourcing strategies to raise funds to support families whose family member(s) are taken into custody by ICE.
19. Research how CSUEB funded and operated support for undocumented and homeless students to determine if similar strategies can be incorporated into the CIECC.
20. As part of the rapid response, the community should be canvassed with information about incidents that happen, and actions taken in response.



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21. Community members will advocate with members of the California Assembly and Senate a law requiring an independent investigation by the Attorney General of each death of persons shot by law enforcement officer(s) or in custody of law enforcement.²

D. Phase 2 - Community Taskforce Recommended Action Items

As part of their recommendations, the Hayward Community Taskforce identified the following tasks that were identified as Phase 2 action items, to be implemented after the first two-year Phase 1 Action Plans are implemented and evaluated. These tasks are included below as a reference for future updates to the Commitment (CIECC) Action Plans:

Phase 2 Action Items - Section I: Encouraging Shared Community Values: No Phase 2 action items were identified.

Phase 2 Action Items - Section II: Fostering Accessibility:

1. Implement a periodic review of all staff health and wellness programming to ensure programs and training opportunities are accessible to all employees.
2. Ensure that a percentage of newly developed single-family homes in the City of Hayward are set aside for affordable housing.
3. Ensure printed material pertaining to Hayward community members are distributed throughout the City (e.g. schools, grocery stores, churches, farmer's market, malls, libraries).
4. Establish Mobility Scooter Recharge areas at City facilities.

² Community members who are aware of the close working relationship between law enforcement agencies and District Attorney's' offices are calling for an investigation by the State Attorney General of every sudden death of persons shot by law enforcement officers or in custody of law enforcement officers to achieve a truly independent investigation.



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5. Ensure and amend the City's Brand, Communication Guides, and Signage Master Plan for consistency with the intent of the American Disabilities Act. For example, require the inclusion of a standard statement at the bottom of all corporate communications to advise of the various alternate formats in which information can be provided.
6. Provide copies of the Commitment (CIECC) to local business owners, and City grant and loan recipients, to increase awareness and encourage participation.
7. Review lease agreements to determine if any alteration needs to occur to comply with anti-discrimination legislation.
8. Include a condition in event agreements for organizers to provide equitable access. For example, provide a checklist / guide to individuals and organizations planning and promoting events to facilitate events that are accessible to everyone, a list of local contacts and resources to assist organizers in planning and hosting accessible events, including accommodation and transport providers, and require event organizers to include a site plan showing the location of accessible parking, amenities, entrances and exits, food and beverage booths, ticketing areas.
9. Update the City's community grants application process to require applicants to demonstrate how they will maximize access for community members to their goods, services, events, or activities.
10. Require equity and inclusion training and information to all City staff and volunteers for successful integration of people with diverse backgrounds into the workplace and events. For example, ensure that all staff are knowledgeable about access and inclusion best practices, ensure all staff training material and resources are accessible to all employees, and provide monthly volunteer training for inclusion and accessibility at City sponsored community events.

Phase 2 Action Items - Section III: Dismantling Illegal Forms of Discrimination:

1. A City appointed Community Advisory Committee will research how Hayward police officers are trained to identify and report hate crimes to determine if the training is adequate and to make recommendations for improvements if needed.



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2. The City of Hayward will coordinate efforts with local, state, and federal agencies to track and reduce the incidents of hate crimes and other expressions of hate. In addition, reports will be submitted on a regular basis to a City appointed Community Advisory Committee recording the number of hate crimes, and incidents, occurring in the Hayward community.
3. The City of Hayward shall maintain contact with the California Department of Fair Employment and Housing, and the Federal Equal Employment Opportunity Commission to continue receiving current information about pending State anti-discrimination laws, and the Mayor, City Council, other City officials, and the City appointed Community Advisory Committee shall be kept apprised of pertinent issues.
4. The City of Hayward shall function as an Equal Opportunity/ Affirmative Action Employer, to the extent allowed by law, and shall continue to provide information and training to all City employees to create a discrimination free work environment.
5. The City's Personnel Commission shall serve as an advisory body to the City Manager and City Council with regard to the implementation of the City's Affirmative Action and non-discrimination policies.

Phase 2 Action Items - Section IV: Implementing the Sanctuary City Resolution:

1. HPD and other City departments as appropriate (e.g. Library and Community Services) will partner with community and faith-based service organizations to assist families after a family member is taken into custody by ICE. HPD will send alert to community partners and all will plan a coordinated response.
2. The City will establish policies which give priority to businesses that pay a living wage and hire locally, and which commit to supporting the guiding principles of the Commitment (CIECC).
3. The City will conduct a campaign to encourage local businesses and other community organizations to support the Commitment (CIECC).
4. The City will invite federal legislators to one or more Hayward community meetings to answer questions about federal Homeland Security and ICE policies and practices.
5. Create educational events that celebrate Hayward's cultural diversity (e.g. create a winter holiday event that highlights and celebrates multiple cultural backgrounds).



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Phase 2 Action Items - Section V: Enhancing Community and Police Relations:

- 1. Serious Incident Notification:** When serious incidents, such as the death of someone in which a police officer is involved or when a serious in-custody injury occurs - including those incidents involving alleged police misconduct, the Hayward Police Department will communicate with community members and the media swiftly, openly, neutrally and without bias, withholding only information where the law requires confidentiality or that might impact due process or the course of the investigation.
- 2. Building Internal Legitimacy:** The Hayward Police Department will promote a culture of equity and inclusion by engaging rank-and-file employees in the process of developing policies and procedures, and identifying best practices.
- 3. Health Research and Testing:** The Hayward Police Department will annually investigate the status of continuing research into the efficacy of an annual cardiac and mental health check for officers, in addition to existing testing of physical fitness.
- 4. Timing of Police Reports:** The Hayward Police Department's policy on body-worn cameras should require officers to file an initial written report or statement before relevant footage is reviewed, for all incidents.
- 5. Use of Biometric Technologies:** Hayward Police Department's policy on police body-worn cameras must limit the use of biometric technologies (e.g. facial recognition) to identify individuals in footage; with special consideration given to compliance with the City's Sanctuary City resolution.



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6. **Racial and Cultural Bias:** Because of the disproportionate representation of African Americans in traffic stops and contacts with HPD, the Department will examine its training methods and develop a new protocol for assessing racial or cultural bias among its sworn and professional staff. (See Footnotes 3 and 4).
7. **Transparency:** Community members asked that the City publicly state what the charges were which involved Chief Diane Urban/Stuart, and their disposition.⁵
8. **Employee Resident Incentive Program:** The City shall institute a resident incentive program for employees, including Hayward Police Officers, that may include the provision of down payment assistance or other financial incentives that assist employees to obtain housing within Hayward City limits.
9. **Flexible Staffing Models:** The Hayward Police Department will explore the use of flexible staffing models (i.e. Offering flexible work schedules) that help officers achieve better work-life balance which attracts candidates and encourages retention.
10. **Community Engagement:** The Hayward Police Department will develop methods to evaluate the effectiveness of its ongoing encouragement and use of all sworn officers and professional staff to engage community members (youth and adults) in joint training with law enforcement (as appropriate), citizen academies, ride-alongs, community problem-solving teams, community action teams, and quality of life teams.

³ While the Hayward Police Department attributes its low number of complaints regarding bias-based profiling to its emphasis on community engagement and the elevated role of community policing principles, the agency's own reporting demonstrates that Black people experience disproportionately more traffic warnings and citations than their representation among the general population of the City. The HPD notes that traffic warnings and citations include people who are not Hayward residents, which could also impact the statistical results.

⁴ This revised training and communication method will be reflected in stops/citations that are more aligned with representation in the general population as reported to the Racial and Identity Profiling Advisory Board (RIPA), beginning no later than 2023.

⁵ City management was quoted in the press in December 2016 as saying that this information would be forthcoming, and public statements were made on the part of Chief Urban authorizing their publication, yet the information has not been made available to the public.



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- 11. CALEA Report Findings:** Rather than electing to place standards in the 20% optional category for a given assessment period, HPD should clearly state the reasons / circumstances that lead to noncompliance and articulate a plan and date certain for future compliance in future CALEA reviews.⁶ Note: The 20% optional category is an option that CALEA offers departments when they find they do not/are not in compliance in a certain category; rather than marking this as a miss or deficiency, the department is allowed to mark the item in the optional category.
- 12. Confirmation of CALEA Finding:** The Hayward Police Department will develop a third-party system to confirm or otherwise verify that its low number of grievances is the result of "open lines of communication between employees and management and its unique and innovative Disciplinary Review Process (DRP)."
- 13. School Resource Officers (SROs):** The City will conduct community conversations / surveys to assess the effectiveness and impact of the School Resource Officer program.

⁶ CALEA Report Finding: "Formal staff inspections were being conducted to a limited degree, but did not meet the CALEA requirement that the inspecting officer be assigned from a unit other than the unit being reviewed."