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To: [City Clerk](#); [Manager Manager](#); [Nishant Joshi](#); [Tony Daysog](#); [Trish Spencer](#); [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [Tracy Jensen](#)
Subject: [EXTERNAL] 7-C Recommendation regarding Truleo
Date: Tuesday, October 3, 2023 5:04:13 PM
Attachments: [98C1A189-4391-4A71-9034-ECED4D5D592F.png](#)
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7-C Recommendation to authorize a 5 year contract with Truleo to automated review and analysis of body worn camera audio.

Dear City Council

Using technology to efficiently review more Alameda's BWC footage is a proactive step. Its impact and effectiveness requires a closer look at the comprehensive review process starting with what gets reviewed, how the department responds to flags and finally transparency of the results. I support the extension of the contract but I ask the city to follow up in three key areas. 1) Department/Truleo analysis must be improved to flag and analysis non- English speaking encounters (The Chief reports that currently the analysis is only of English audio) 2) The audio video records policy should be expanded beyond simply authorizing the review of audio video records by supervising staff to actually clarify expectations of staff's response to flagged materials. 3) Finally, there is considerable public and scholarly interest

in AI and policing. A company-run case study is not sufficient. It does not provide the transparency or breadth of knowledge that an independent interdisciplinary scholarly review would provide. The city should give access to researchers with expertise in AI, Ethics, Policing and Health to Alameda police/Truleo data this would benefit the city and increase community confidence.

The recent California State Auditors report “Law Enforcement Departments Have Not Adequately Guarded Against Biased Conduct” highlights both the reasons to have more proactive review of body worn audio and the potential shortcomings of those investigations.

<https://auditor.ca.gov/reports/2021-105/index.html>

Audit Highlights

- - Some officers at each department had engaged in biased conduct.
- - None of the departments had fully implemented best practices to mitigate the effects of officer bias.
- - The departments did not consistently or adequately investigate their officers' possibly biased conduct.
 - Many investigations were narrowly focused on blatant signs of bias,

relied heavily on officers' denials, or did not account for how officers' conduct reasonably appeared.

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Each department needs a better framework for consistently identifying, investigating, and tracking incidents of bias

The following examples drawn from the audit occurred in local police departments and best illustrate the need for proactive tools to investigate for bias. They also demonstrate the shortcomings of current internal department reviews. Early intervention systems must broadly review officer conduct including incidents that include non- English audio. Comprehensive policies and standards to investigate flagged incidents should be developed. It also demonstrates the benefit of an outside independent review.

Examples of Biased Conduct by Officers at a Law Enforcement Department Reviewed

Example 1

San José Police officers were called to respond to a physical altercation between a landlord and a tenant. The officers knew the landlord was Vietnamese and before they arrived on-site, one predicted what the landlord would look like.

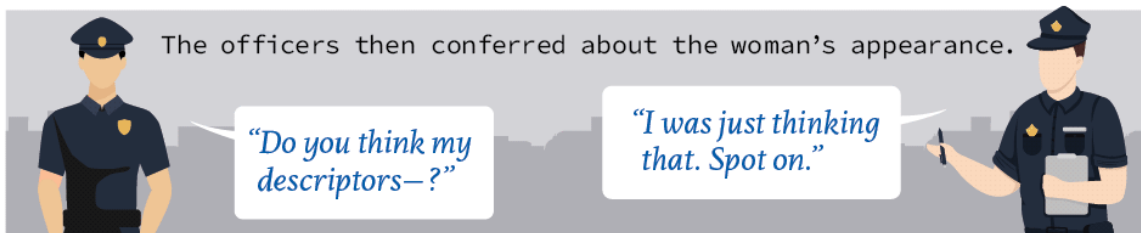
"I would say she's about 5 foot 4 inches, very skinny, bad teeth, very heavy accent. That's me...I like to—"



"Like to predict it ahead of time? I think so. Let's do this."

OFFICERS THEN:

- » Decided they did not require a translator despite needing a neighbor to translate for them.
- » Told the landlord that unless she returned the tenant's deposit, they would take her to jail.



The officers then conferred about the woman's appearance.

"Do you think my descriptors—?"

"I was just thinking that. Spot on."

OFFICERS THEN:

- » Denied a request for a translator.
- » Insisted that the landlord must return the deposit in cash, not a check.

The officers spoke while the landlord looked for money.

*"Maybe she doesn't have the money, who knows?
I think she has a problem gambling."*



OFFICERS THEN:

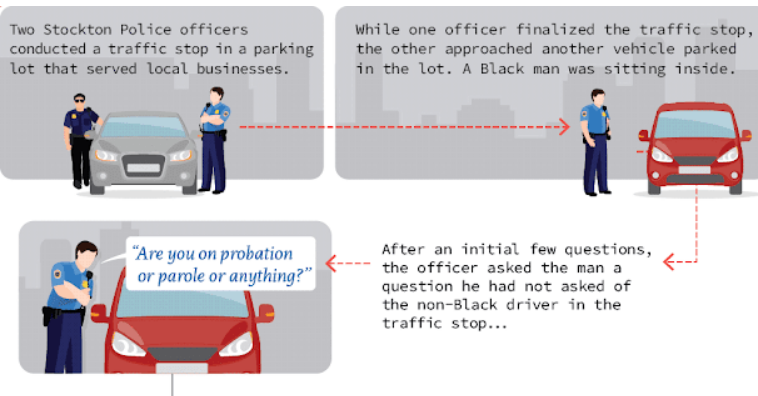
- » Detained the landlord in their patrol car until a neighbor provided money to pay the deposit.
- » Told the landlord she did not need a translator after she complained about not receiving one.

San José Police determined that bias related to the landlord's race had influenced how this officer treated the landlord.

The officer received a 40-hour suspension without pay. San José Police did not find the other officer had engaged in biased conduct.

Source: Complaint investigation file and body-worn camera footage from San José Police.

Example 2



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When the man declined to answer or to provide identification, the officer detained the man and searched his car, finding nothing illegal. The man indicated, correctly, that the officer had no lawful authority to search his car.

The man implied that officers were treating him this way because of his race.

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"It's okay if you want to play the race card."


One officer then told the man he would take him to jail if he didn't leave the parking lot. When the man refused to leave, officers arrested him, took him to a holding facility, and towed his vehicle.



Stockton Police later found that the officers had no authority to search the man's car, arrest him, or tow his vehicle.

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The man attempted again to explain that he thought he had been mistreated. The man referenced Martin Luther King and continued to speak with the two officers about issues of policing, race relations, and whether the man had done anything wrong. Officers made the following remarks to the man...




"You continually play the race card...It's fake."

"You are a racist."

"[Martin Luther King] would be offended at what you're saying right now."

"Martin Luther King would be very, very [pause] rolling over in his grave right now, sir."

"As a human being...it's pretty disappointing how racist you are."



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STOCKTON POLICE'S CONCLUSIONS:

"[One officer] became engaged in a respectful disagreement over the claim that [he] was racist. There was no evidence uncovered during this investigation that [this officer]...acted in an abrasive manner."

"[The other officer] did not yell or curse and maintained a professional demeanor...[this officer was] engaged in a mutual discussion about a topic that invariably becomes heated and emotional."

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As discipline, the officers received letters of reprimand for making an unlawful arrest but **did not receive any discipline or corrective action related to bias or professionalism.**

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- In its complaint investigation, Stockton Police...
- **RELIED ON THE OFFICERS' STATEMENTS ABOUT WHETHER THEIR CONDUCT WAS BIASED.**
 - **DID NOT DOCUMENT AN ANALYSIS OF WHETHER BIAS COULD HAVE INFLUENCED THE OFFICERS' BEHAVIOR.**
 - **DID NOT CONCLUDE THAT THE OFFICERS HAD BEHAVED UNPROFESSIONALLY.**

Source: Misconduct investigation file and body-worn camera footage.

Example 3

A Latino man filed a complaint with a department,

alleging that he had been racially profiled.

Two officers responded to a call from a concerned member of the public who reported possible suspicious activity. While at the scene, the officers immediately engaged in this dialogue.



After the officers asked him to provide his ID, the man questioned why he needed to.

The man expressed frustration about the way he was being treated.



The department determined that the officers had made no indications or statements that would cause a reasonable person to believe the complainant's race or ethnicity played a role in the encounter. However, **its conclusions were based on unreliable evidence and inadequate analysis of the issues.** Its investigators:

- ! Relied on the officers' denials of bias.
- ! Relied on the fact that officers had not mentioned the man's race or ethnicity as a factor during their investigation.
- ! Determined the "papers" comment was not problematic because the officers had not explicitly mentioned immigration.
- ! Determined the "Telemundo novela" and related comments were not problematic because the officer in question was of Mexican descent, had grown up with his family watching "novelas" on television, and concluded that he did not make the comments "with malice or in a demeaning manner."

**THE OFFICER WHO MADE THESE COMMENTS RECEIVED NO DISCIPLINE
OR CORRECTIVE ACTION RELATED TO BIAS.**

Source: Review of investigation records and body-worn camera footage.

Example 4

Two officers used force to detain a Latina woman whose family member had been involved in a traffic accident.



1 The Woman's Identity Characteristics

The woman was Latina and spoke only Spanish, whereas the two officers spoke English.

2 Officers' Failure to Obtain a Translator

The officers spoke to the woman in English—relying on another family member to translate for them—and did not request an official translator. The department later noted the officers should have requested a translator.

3 Officers' Assumptions

One officer later wrote that he had believed the woman was “attempting to conceal evidence.” However, as the department later noted, the officers had no way of knowing whether they had properly communicated with the woman.

4 Officers' Attitudes and Quick Escalation

The officers appeared frustrated with the woman for little reason. When the family member indicated that the woman did not want to provide her identification, the officers immediately handcuffed the woman, during which her face hit a pole, causing an injury. The department found this use of force was not appropriate.

Despite the concerning elements of this encounter, San Bernardino Police conducted only a routine use-of-force review and did not consider if bias had affected the way these officers handled the situation.

Source: Investigation records and body-worn camera footage.

The state audit found that departments were more likely to sustain complaints made internally by law enforcement personnel than from the public.

Because of Deficiencies in Their Investigations, the Local Law Enforcement Departments Reviewed Failed to Recognize and Address Potentially Biased Conduct



Departments' Investigations of Potentially Biased Conduct Exhibited Key Deficiencies:

! FOCUSED ON BLATANT BIAS ONLY

Departments often overlooked or dismissed subtle signs of bias, suggesting that they were focused on racial slurs or other signs of explicit bias.

! RELIED ON OFFICERS' EXPLANATIONS

Departments sometimes relied heavily on officers' denials of bias and explanations for their intent, which is a poor investigative practice.

! FAILED TO CONSIDER HOW CONDUCT REASONABLY APPEARED

Departments often failed to adequately consider the appearance of officers' conduct from the perspective of a reasonable person.

! PREMATURELY DISMISSED COMPLAINTS

Some departments dismissed complaints of bias after conducting only limited reviews that overlooked concerning elements of the officers' conduct.

Source: Analysis of a selection of misconduct investigations at each local law enforcement department and best practices from sources such as the US DOJ.

I thank you for considering these requests, examples and remarks.

Jennifer Rakowski