



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
September 19, 2023

TOPIC: Policy Manual Maintenance and Support to the Police Department

AGENDA TITLE

Approve Master Service Agreement with Lexipol, LLC to provide Policy Manual Maintenance and Support to the Police Department (General Fund and Non-General Fund)

RECOMMENDED ACTION

Authorize the City Manager to execute an agreement with Lexipol, LLC for the period of October 1, 2023 through September 30, 2026, to provide policy manual maintenance, support, and training services to the Police Department in an amount not to exceed \$175,573.29, subject to non-substantive changes approved by the City Manager and City Attorney.

DISCUSSION

Proposal

Lexipol, LLC ("Lexipol") proposes to provide the Santa Ana Police Department ("SAPD") with web-based law enforcement policy manual, maintenance, support, and training services. The agreement includes Annual Law Enforcement Policy & Daily Training Bulletin (DTB) Subscription, Annual Custody Policy & DTB Subscription, Annual Corrections Supplemental Manual, and CorrectionsOne Academy. CorrectionsOne Academy is an online training platform that provides courses certified through California Board of State and Community Corrections (BSCC) for annual continuing education requirements. The Lexipol Law Enforcement & Custody Policy Manual has over 150 policies based on federal and state laws, regulations, and law enforcement best practices. CorrectionsOne Academy also includes over 550 courses, training videos, and management features to meet annual training mandates.

What is Lexipol?

Lexipol provides a cost-effective model that protects and maximizes taxpayer resources. Lexipol provides law enforcement employees the knowledge, skills, and abilities to protect their communities by crafting legally sound policies and procedures. Lexipol does not act as a policy maker; SAPD has the responsibility to make policy decisions and customize policies to align with the community's needs and the Department's values. Lexipol's policies are developed to align with state and federal laws, court decisions, and provide officers with guidance to improve policing outcomes and minimize risk. Compliance with sound policies, coupled with proper supervision and disciplinary action, leads to risk reduction.

Lexipol's policy management is accessible online and via mobile devices, and includes:

- Comprehensive guidance that complies with federal and state laws and regulations and provides the ability to customize policy to fit Department and community needs
- Policy updates as laws and regulations change
- Policy implementation assistance from qualified professionals
- Scenario-based Daily Training Bulletins with tests to reinforce and demonstrate policy comprehension

What About Community Input?

Lexipol's model does not prevent community input in enacting policies. In fact, SAPD has modified approximately 50% of the Lexipol policy content incorporating the community's input, needs, and values in many key policies including Body Worn Cameras, Cite and Release, Vehicle Tow and Release, Criminal Organizations, and Immigration Violations. These are examples of policies customized with community input. Pursuant to state law, all of SAPD's policies and procedures are available online for members of the community to review and provide comment, if so desired. Additionally, the newly formed Police Oversight Commission has the authority to conduct public meetings to educate the community on the purpose of the Commission and provide a forum for discussions about police policies, practices, and procedures. (SAMC 2-665(j)).

What About the Use of Force Policy?

Lexipol's use of force policy aligns with, and has been revised internally to, mirror state law. The use of force policy requires officers to intervene to stop uses of excessive force, it prohibits chokeholds and carotid restraints, and requires de-escalation tactics when time and circumstances permit.

How are Lexipol's Policies Developed?

Lexipol's policies are developed by legal teams who access numerous sources when developing best practice policy guidance and who monitor major court decisions, legislation, and emerging trends affecting law enforcement operations. Lexipol provides periodic updates in response to legislative mandates, case law, and evolving law enforcement best practices. Lexipol archives departmental policies and tracks changes, facilitating improved documentation of policy revisions. Lexipol also has a mechanism in place that documents officers who have reviewed policies to ensure their training records are up to date. The Department has subscribed to Lexipol for over ten years, which has been an asset to the Department's training program.

What Are Daily Training Bulletins?

In addition, Lexipol provides Daily Training Bulletin ("DTB") services which are designed to assist law enforcement employees learn the content of the policy manual and the practical application of the policies. To ensure understanding and proficiency, Lexipol furnishes 365 customizable, scenario-based training bulletins that link directly to the policy manual each year. The DTBs address uses of force, vehicle operations, discrimination and harassment, and various other law enforcement risk management topics. The Police Department may customize DTBs to address agency-specific topics and scenarios.

What Will the Department do Without Lexipol?

Without Lexipol, SAPD will not be permitted to utilize Lexipol's copyrighted materials and will immediately be required to assemble an entire team of professionals, including attorneys, to research, revise, draft, oversee, and maintain oversight of over 150+ policies and 90+ procedures excluding Jail policies and procedures. Moreover, there is no governmental entity or agency that develops and provides policies to law enforcement agencies. As such, agencies are left to do this on their own, with very limited resources.

Importantly, the City is a member of [Independent Cities Risk Management Authority](#) (ICRMA), a risk pooling and risk management entity that strives to lessen the liability exposure and insurance costs to their member cities in general. Therefore, due to the increasing costs of insuring and litigating police liability claims and lawsuits, ICRMA has implemented this plan to assist member cities in developing and implementing their police practices. Lexipol provides police policies, best practices, and training consistent with California statutes and policing issues in today's environment, while helping police departments prepare for the future. This consistency provides insurers with a higher level of confidence that the potential for police liability claims and lawsuits will remain manageable instead of skyrocketing. If the costs continue to rise exponentially, the alternative will result in insurance companies, excess insurers, and reinsurers pulling out of insuring California municipalities all together which will cause municipalities to pay all claims costs from dollar one to infinity.

What is the Cost for a Three Year Subscription?

The **First-year** subscription fee is \$67,949, which includes a one-time Jail manual implementation cost. The Board of State and Community Corrections (BSCC) will pay for the costs associated with the Lexipol CorrectionsOne subscription for the agreement. CorrectionsOne subscription term was set to begin July 1, 2023. The City receives subvention from BSCC for the training of eligible corrections officers. BSCC will pay \$7,653 of Year One of the agreement. The subscription renewal fees for the **Year Two** will be \$52,653.31, of which BSCC will pay for \$6,300. **Year Three** of the agreement will be \$54,970.98 and BSCC will pay for \$6,300. At the conclusion of the three-year term, the total amount paid to Lexipol will be \$175,573.29.

FISCAL IMPACT

Funding is available in the FY 2023-24 budget and funding for subsequent fiscal years will be included in the proposed budgets for City Council consideration as follows:

Fiscal Year	Accounting Unit – Account No.	Fund Description	Accounting Unit – Account No. Description	Amount
FY 23-24	01114475-62140	General Fund	PD Jail Operations, Implementation, Subscriptions	\$30,143.09
FY 23-24	01114410-62140	General Fund	PD Training Services, Subscriptions	\$30,152.91
FY 23-24	02414401-62140	Police Activities & Programs Fund	Police Special Rev-STC Program, Subscriptions	\$7,653.00
FY 24-25	01114475-62140	General Fund	PD Jail Operations, Subscriptions	\$14,692.75
FY 24-25	01114410-62140	General Fund	PD Training Services, Subscriptions	\$31,660.56
FY 24-25	02414401-62140	Police Activities & Programs Fund	Police Special Rev-STC Program, Subscriptions	\$6,300.00
FY 25-26	01114475-62140	General Fund	PD Jail Operations, Subscriptions	\$15,427.39
FY 25-26	01114410-62140	General Fund	PD Training Services, Subscriptions	\$33,243.59
FY 25-26	02414401-62140	Police Activities & Programs Fund	Police Special Rev-STC Program, Subscriptions	\$6,300.00
Total				\$175,573.29

EXHIBIT(S)

1. Agreement with Lexipol
2. Independent Cities Risk Management Authority (ICRMA), Police Liability Risk Control Plan

Submitted By: David Valentin, Police Chief

Approved By: Kristine Ridge, City Manager