



Police Oversight Ad Hoc Committee Updates



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Police Oversight
City Manager's Office
April 5, 2022

Timeline



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- June 16, 2020: councilmember requested item
 - September 15, 2020: informational report (history of police oversight, introduction to models, examples of how oversight is implemented in California)
 - December 15, 2020: informational report (more details on models and mechanics of boards/commissions in California, community feedback survey results)
 - September 7, 2021: informational report (review of Investigation-Focused and Auditor/Monitor models, community feedback survey results)



Ad Hoc Committee



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- On September 21, 2022, Mayor Sarmiento appointed Mayor Pro Tem Bacerra, Councilmember Hernandez, and Councilmember Lopez to the Police Oversight Ad Hoc Committee to discuss those details.
 - To date, the Ad Hoc Committee meetings have consisted of the following:
 - Variations in police oversight models
 - Peace Officer Bill of Rights (POBR)
 - Initial recommendations on a police oversight mechanism for Santa Ana



Initial Recommendations



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Model

- Hybrid: Investigation-Focused and Auditor/Monitor Focused



Oversight Functions

- Reviewing investigations
- Auditing investigations and/or policy compliance
- Monitoring open investigations
- Independent investigations
- Pattern or trend analysis
- Oversight of the Santa Ana Jail
- Publishes the following reports: annual reports, special reports, complaint information or statistics, and analyses of department practices



Local Structure

- The police oversight mechanism is established by a Charter amendment, to be followed by an ordinance of the City Council with additional policy and procedure that aligns with the provisions of the Charter.
- The police oversight mechanism reports to the City Council.



Board/Commission

- The police oversight mechanism includes a board or commission.
- The Police Oversight Board/Commission is trained on Police Department policies and procedures.
- Members of the Police Oversight Board/Commission receive a stipend for serving on the board/commission.
- Current and former law enforcement officers are not permitted to serve on the Police Oversight Board/Commission.



Staffing

- The police oversight mechanism would include the following staff:
 - Director
 - Attorney from the City Attorney's Office
 - Investigator
 - Auditor
 - Analyst
 - Administrative assistant



Scope of Authority

- Accepts anonymous complaints
 - A complainant would not be required to submit an affidavit or notarized statement
 - o Does not have a mediation program
 - Cannot respond to the scene of critical incidents
 - Can recommend and implement new or revised departmental policies/procedures
 - Can recommend and implement discipline
 - Can recommend investigative findings
 - o Can recommend and implement training or retraining
 - o Can require the Police Department to respond to recommendations



Information Access: Departmental Records

- Computer-aided dispatch records
- Personnel records
- Body-worn / in-car video
- Stop, search, and arrest records
- Use of force reports
- All electronic databases, including, but not limited to, the items listed above



Information Access: Internal Affairs

- Copies of open Internal Affairs files and investigations
 - o Copies of closed Internal Affairs files and investigations
 - o Front-end access to Internal Affairs database
- Back-end access to Internal Affairs database



Subpoena

- Yes



Enabling Legislation

- Charter amendment that requires a police oversight board/commission as defined and with parameters
- City Council ordinance with mechanics/procedure



Next Steps



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- If the City Council decides to concur with the Ad Hoc Committee's recommendations, consider which criteria might go into the Charter amendment vs. ordinance.



Options



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- Concur with the Ad Hoc Committee.
 - Direct staff to return with more information.
 - Take no action.





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