

REQUEST FOR COUNCIL ACTION



CITY COUNCIL MEETING DATE:

DECEMBER 15, 2020

TITLE:

**ACCEPT INFORMATIONAL REPORT
RELATING TO POLICE OVERSIGHT AND
PROVIDE DIRECTION TO STAFF**

CLERK OF COUNCIL USE ONLY:

APPROVED

- ☐ As Recommended
- ☐ As Amended
- ☐ Ordinance on 1st Reading
- ☐ Ordinance on 2nd Reading
- ☐ Implementing Resolution
- ☐ Set Public Hearing For _____

CONTINUED TO _____

FILE NUMBER _____

/s/ Kristine Ridge

CITY MANAGER

RECOMMENDED ACTION

Accept informational report and provide direction to staff.

EXECUTIVE SUMMARY

At the September 15, 2020 City Council meeting, staff presented an informational report relating to police oversight. Specifically, the report included the following information: examples of police oversight models in place across law enforcement agencies in the United States, best practices, overview of different models, and frameworks. In response, members of the City Council directed staff as follows:

- Provide an overview of police oversight models with investigatory powers and those without investigatory powers, including average costs associated with each.
- Conduct a comparative analysis of cities with police oversight mechanisms with investigatory and non-investigatory power.
- Review police oversight models from comparably sized cities.
- Contact the Orange County Sheriff's Department to seek feedback relating to the Sheriff's Advisory Council and share findings.
- Conduct community engagement to seek preliminary feedback and ideas from the community.

In the sections below, this report provides information in response to each of these topics, including results from a 7 question community survey. Additionally, this report shares information relating to National Association of Civilian Oversight of Law Enforcement (NACOLE)'s resources and guidance for local governments interested in establishing or revitalizing police oversight.

DISCUSSION

As referenced in the September 15, 2020 informational report, police oversight (also referred to as "civilian oversight") is a form of oversight of law enforcement officer conduct, whose purpose is to improve law enforcement performance and accountability. Police oversight mechanisms typically serve as a source of external oversight over law enforcement agencies. Depending on the source, practitioners and scholars cite that there are upwards of 125 police oversight mechanisms in the

United Statesⁱ. Police oversight mechanisms in the United States operate in a variety of political and socioeconomic environments and exhibit variation in terms of their formal authority, level of professionalization, staffing, budgetary authority, and style of oversight. They are often created through a local government ordinance or an amendment to the local government charterⁱⁱ.

The simplest police oversight mechanisms consist of a board of citizens that can review the findings of investigations conducted by the police agency's internal affairs division. Such police oversight mechanisms often have little or no budgetary authority, with the board of citizens serving on a volunteer basis. More organizationally complex police oversight mechanisms may include a paid full-time staff of lawyers, investigators, and policy analysts that report to the citizen board. Such police oversight mechanisms often have substantial budgetary authority, the ability to conduct independent investigations into citizen complaints, and access to police evidence records and electronic databases. The methodology for the appointment of citizen participants often varies across jurisdictions.

NACOLE's Classifications of Police Oversight

The September 15, 2020 informational report also shared NACOLE's three classifications of police oversight:

- Investigation-focused model: involves routine, independent investigations of complaints against police officers, which may replace or duplicate police internal affairs processes, staffed by non-police civilian investigators.
- Review-focused model: concentrates on commenting on completed investigations after reviewing the quality of police internal affairs investigations. Recommendations may be made to police executives regarding findings, or there may be a request that further investigations be conducted. A review board composed of citizen volunteers commonly heads this model, and they may hold public meetings to collect community input, and facilitate police-community communication.
- Auditor/monitor model: focuses on examining broad patterns in complaint investigations including patterns in the quality of investigations, findings, and discipline rendered. Further, in some cities that use this model, auditor/monitors may actively participate in or monitor open internal investigations. This model often seeks to promote broad organizational change by conducting systematic reviews of police policies, practices or training, and making recommendations for improvement.

Police Oversight Models with Investigatory Powers

A 2001 report published by the U.S. Department of Justice's National Institute of Justice provides the following summary to describe police oversight with investigatory or subpoena powers:

This model consists of assigned members who have the additional authority to investigate complaints separately and externally from the police department. This model is generally seen in organizations who have a history of serious patterns and practices of misconduct. The board or

commission may make findings because of such investigations and make specific recommendations to administrators regarding discipline and/or policy.

Advantages – Ability to provide increased public confidence in misconduct investigations and give the community a greater sense of inclusion. Provides additional oversight as investigations and findings come from an agency other than the police department.

Disadvantages – Members must be highly trained and willing to spend a considerable amount of time to conduct fair, unbiased, and consistent investigations. Substandard investigations can create significant problems for the community and police department. The board or commission must have the ability to compel evidence (subpoena) and the ability to hear testimony from officers. Would require significant and adequate funding to function properly.

Police Oversight Models without Investigatory Powers

The same 2001 report summarizes police oversight models without investigatory powers as follows:

This model consists of members who review police misconduct investigations to determine whether they were conducted appropriately and adequately. Members agree or disagree with findings of the internal affairs investigation and may make recommendations. This type may also provide proposals or recommendations regarding departmental policies.

Advantages – Boards or commissions without investigatory powers can produce findings more quickly than an investigatory model. This model also provides an opportunity for residents to be directly involved and have input on policy issues.

Disadvantages – A large amount of labor and time is required for those serving on the board or commission. Members must have some knowledge and training to identify problems in complex investigations. Without investigatory powers, the board or commission is limited to the evidence and investigation conducted by Internal Affairs. Members may feel obligated to pursue specific agendas or policies.

City with Police Oversight with Investigatory Powers: Berkeley, CA

City: Berkeley, CA

Police Oversight Mechanism Name: Police Review Commission

Classification: Investigation-Focused Model

Scope of Authority / Responsibility:

- To advise and make recommendations to the public, the City Council, and the city manager
- To review and make recommendations concerning all written and unwritten policies, practices and procedures of whatever kind and without limitation, in relation to the Berkeley Police Department, other law enforcement agencies and intelligence and military agencies operating within the City, and law enforcement generally

- To receive complaints directed against the Police Department and any of its officers and employees, and fully and completely investigate said complaints and make such recommendations and give such advice relating to departmental policies and procedures to the City Council and the City Manager in connection therewith as the commission in its discretion deems advisable
- To exercise the power of subpoena
- To adopt rules and regulations and develop such procedures for its own activities and investigations as may be necessary

Membership: Eight Berkeley residents are appointed by the Berkeley Mayor and City Council.

Staff: Three full-time employees:

- Police Review Commission Officer
- Police Review Commission Investigator
- Office Specialist

Annual Operating Budget: \$767,798 (salaries and benefits are approximately \$599,000)

For more information, see the City of Berkeley Police Review Commission's general brochure (Exhibit 1) and 2019 Annual Report (Exhibit 2).

City without Police Oversight without Investigatory Powers: Anaheim, CA

City: Anaheim, CA

Police Oversight Mechanism Name: Police Review Board

Classification: Hybrid (Review-Focused Model and Auditor/Monitor Model)

Scope of Authority / Responsibility:

- Receive real-time notification of and access to the locations of officer-involved shootings.
- Receive private briefings on major incidents, including access to body-worn camera footage.
- Publish statistics on officer-involved shootings, uses of force, complaints, and outcomes.
- Receive community complaints and concerns and refer them to Anaheim's city manager, Anaheim Police, or Office of Independent Review (OIR) Group for review and response.
- Consider and approve policy recommendations made by OIR Group.
- Vote on and offer findings on Anaheim Police Department responses to OIR Group recommendations.
- Review some police policy recommendations prior to adoption.
- Hear about police training and practices.
- Audit existing police policies.
- Produce a publicly available annual report.

Membership: Seven Anaheim residents are selected by lottery from each of the city's six districts, along with one member selected from the city at large.

Staff: Two liaisons, one from the City Manager's Office (Senior Administrative Analyst) and one from the Anaheim Police Department (Internal Affairs Lieutenant) support the Police Review Board. This task is assigned as part of their roles' areas of responsibility.

Annual Operating Budget: \$125,000 (funds the professional services agreement with the OIR Group)

For more information, see the City of Anaheim Police Review Board's fact sheet (Exhibit 3) and 2019 Annual Report (Exhibit 4).

City with Police Oversight with a Comparable Population: Riverside, CA

City: Riverside, CA

Police Oversight Mechanism Name: Community Police Review Commission

Classification: Investigation-Focused Model

Scope of Authority / Responsibility:

- Advise the Mayor and City Council on all police/community relations issues.
- Conduct public outreach to educate the community on the purpose of the commission.
- Receive complaints of alleged misconduct.
- Review and investigate all citizen complaints.
- Conduct hearings into allegations of police misconduct.
- Subpoena and require the attendance of witnesses and the production of records pertinent to the investigation upon the affirmative vote of six commissioners.
- Review and advise the Police Department in matters pertaining to police policies and practices.
- Administer oaths to witnesses and take testimony.
- Submit written findings to the city manager and police chief.
- Review and investigate the death of an individual arising out of or in connection with actions of a sworn police officer.
- Recommend to the city manager the provision of such staff as is necessary to carry out the commission's duties.
- Advise the city manager regarding the performance of said staff.
- Submit an annual report to the City Council.

Membership: Nine (9) Riverside residents are appointed by the Mayor and City Council.

Staff: Staff from the City Manager's Office and Riverside Police Department support the commission.

Annual Operating Budget: \$253,000 (during the FY 2014-15 year)

For more information, see the City of Riverside Police Review Board's policies and procedures (Exhibit 5) and 2019 Annual Report (Exhibit 6).

Orange County Sheriff's Department's Sheriff's Advisory Council

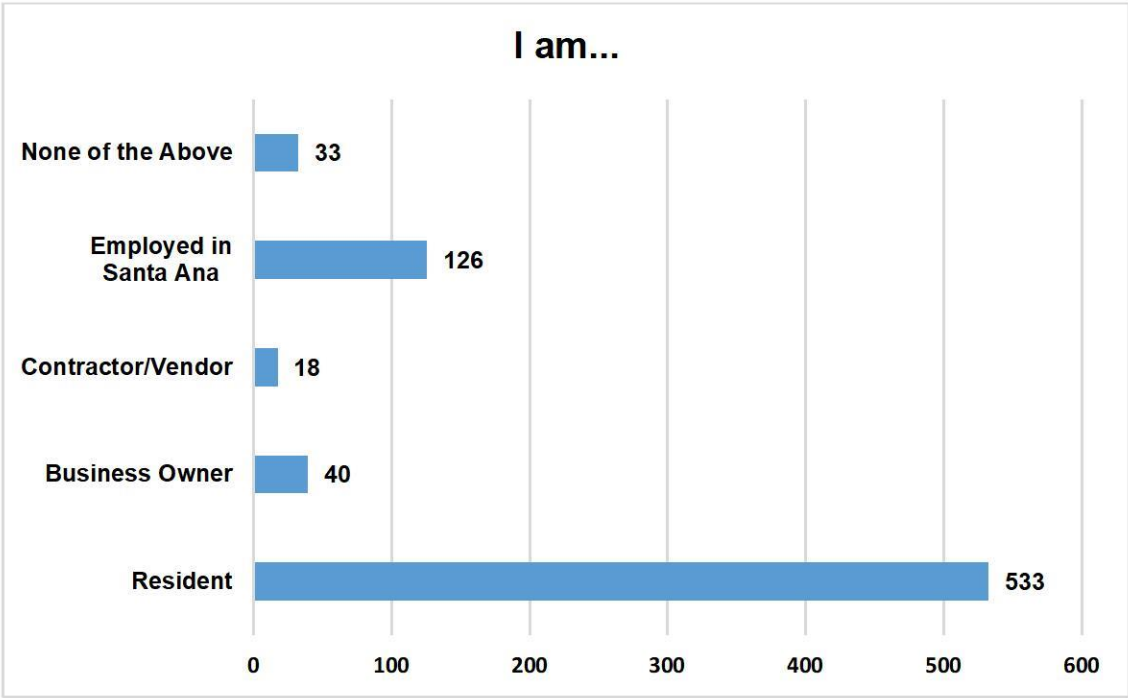
The Orange County Sheriff's Advisory Council (OCSAC) was formed in 1979 as a non-profit organization to support local law enforcement agencies in Orange County to seek public and private funding for items such as tools and equipment, or to provide financial assistance to the families of law enforcement officers killed in the line of duty. OCSAC does not provide police oversight.

Community Engagement Feedback Survey

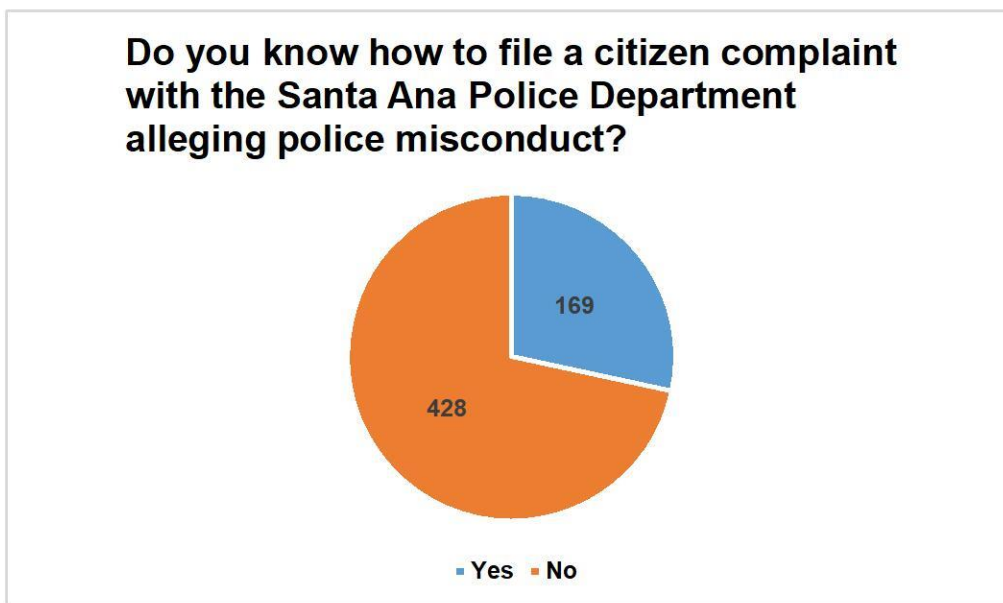
At the direction of the City Council, staff prepared a survey to gather the community’s sentiments relating to police oversight. The survey represents very preliminary data and serves as the beginning of what could be a robust community engagement initiative with a continuous feedback loop between the community and the City. In summary, the survey was shared using the City’s digital tools (social media—including Facebook, Instagram, Twitter, and Nextdoor, the City website, Nixle—a press release communications tool, and Constant Contact—the City’s email newsletter campaign tool). Additionally, staff presented to the Com-Link Board, a citywide coalition of neighborhood associations. The survey was offered in English, Spanish, and Vietnamese.

In total, 597 respondents (approximately 0.18 percent of the population) completed the survey. Below is a summary of the survey results.

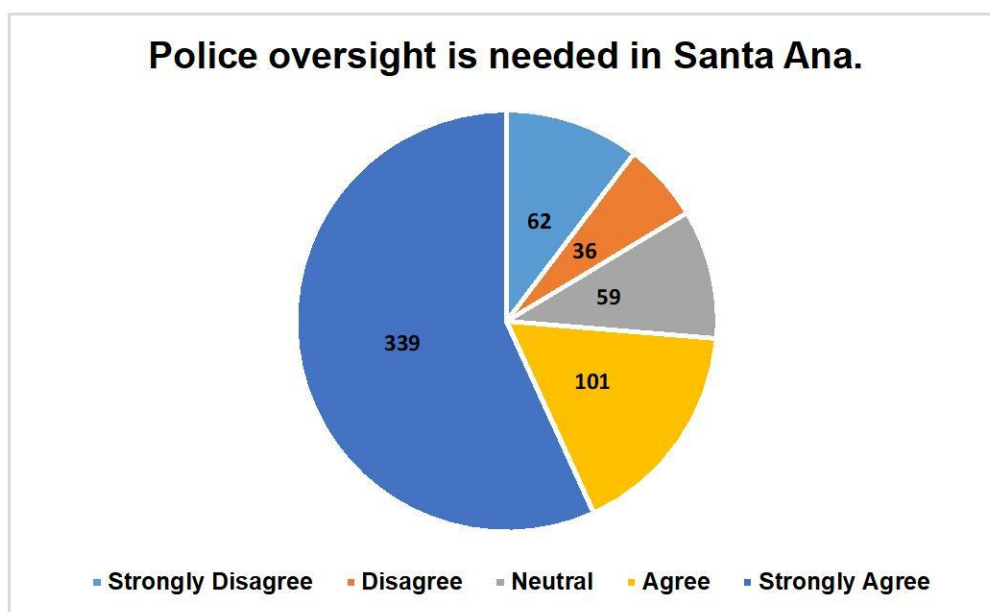
- 89.3 percent of respondents (533 out of 597) self-identified as Santa Ana residents.



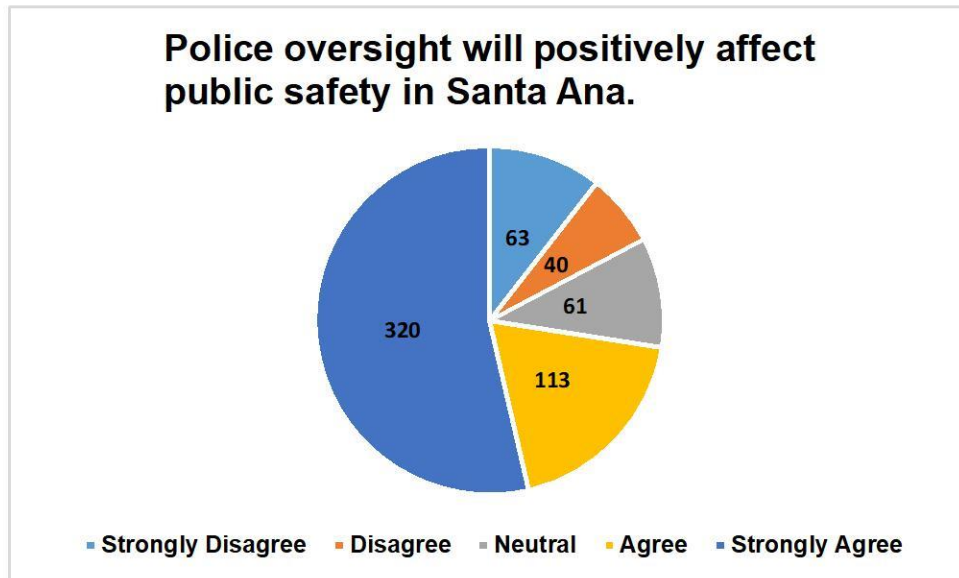
- 76.7 percent of respondents (428 out of 597) do not know how to file a citizen complaint with the Santa Ana Police Department alleging police misconduct.



- 72.5 percent of respondents (440 out of 597) either strongly agree or agree that police oversight is needed in Santa Ana.

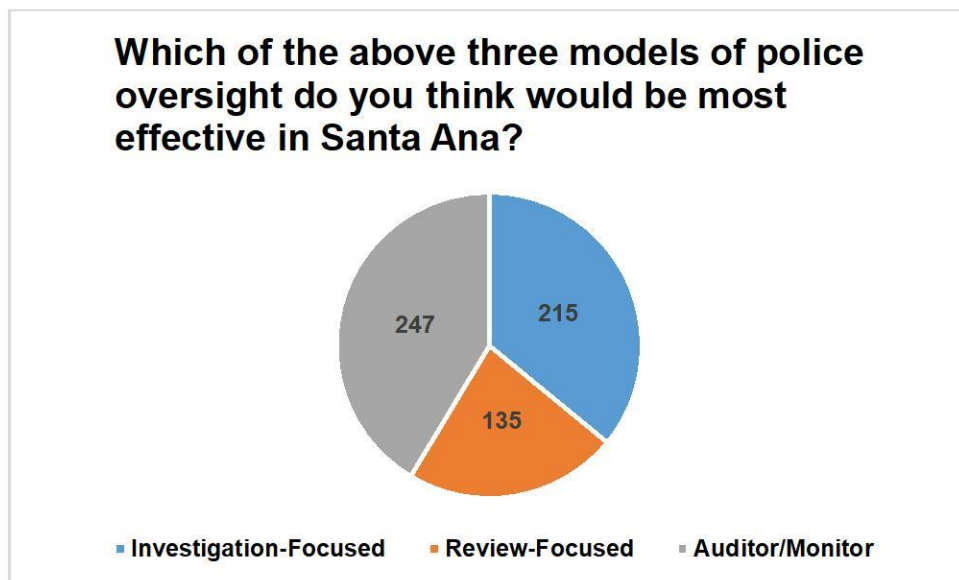


- 72.6 percent of respondents (433 out of 597) either strongly agree or agree that police oversight will positively affect public safety in Santa Ana.



- If police oversight were to be implemented in Santa Ana, below are the top nine priorities selected by respondents to be prioritized by the police oversight mechanism:
 - **Transparency** (prepares and provides reports and audits that are accessible by the public upon request)
 - **Community outreach** (obtain input from a range of community members and groups through community outreach on policies, procedures, training, and other related issues)
 - **Use of statistical pattern analysis** (analyze and report on patterns regarding complaint handling, officer-involved shootings/ in-custody deaths, police data on stops, searches, and arrests)
 - **Open communication** between members of a police oversight body and the Santa Ana Police Department
 - **Independence** (independent of police, elected officials, and special interests)
 - **Unfettered access to public records**
 - **Increased resources** (budget for technology advancements and staffing/personnel)
 - **Increased protection of peace officer rights**
 - **Support by stakeholders** (government and elected officials)

- Of the three police oversight classifications (investigation-focused, review-focused, and auditor-monitor), respondents expressed a preference for the auditor-monitor model (41.37 percent of respondents), followed closely by the investigation-focused model (36.01 percent of respondents).



Staff is grateful for community members taking the time to participate in this survey. To re-emphasize, the survey represents very preliminary data and serves as the beginning of what could be a robust community engagement initiative with a continuous feedback loop between the community and the City.

The survey data, with all personally identifiable information removed to protect the privacy of the respondents, is attached (Exhibit 8).

Additional Considerations: Guidance from NACOLE

NACOLE, in collaboration with the U.S. Department of State, prepared a Guidebook (Exhibit 8) for the Implementation of New or Revitalized Police Oversight. Published in 2016, this guidance document is a tool for communities to help direct their efforts to establish or strengthen police oversight. The guidebook addresses many important topics in police oversight, including, but not limited to:

- The basic philosophy, principles, and objectives of law enforcement oversight
- Methodologies
- Models of evaluation and assessment
- Strategies and approaches to ensuring constitutional policing

NACOLE has worked with law enforcement and civilian oversight groups nationwide. Recent examples of communities to which NACOLE has provided training or technical assistance include

the following: Anaheim, CA; Bainbridge Island, WA; Boston, MA; Fairfax County, VA; Ferguson, MO; Fullerton, CA; King County, WA; Los Angeles County, CA; Memphis, TN; New York, NY; Oxnard, CA; Pasadena, CA; Pueblo, CO; Sonoma County, CA; and St. Louis, MO, as well as cities in numerous other countries including Mexico, Kyrgyzstan, Russia, Trinidad and Tobago, and Vietnam.

Options

The City Council has the following options relating to this matter:

1. Direct staff to evaluate one or more of the presented police oversight mechanisms and return to the City Council with additional information.
2. Direct staff to conduct additional research on police oversight topics and return to the City Council with additional information.
3. Take no action.

RECOMMENDED ACTION

Accept informational report and provide direction to staff.

FISCAL IMPACT

There is no fiscal impact associated with this action.

Submitted By: Kristine Ridge, City Manager

- Exhibits:
1. Berkeley Police Review Commission General Brochure
 2. Berkeley Police Review Commission 2019 Annual Report
 3. Anaheim Police Review Board Fact Sheet
 4. Anaheim Police Review Board 2019 Annual Report
 5. Riverside Community Police Review Board Policies and Procedures
 6. Riverside Community Police Review Board 2019 Annual Report
 7. Survey Results (personally identifiable information removed)
 8. NACOLE's Guidebook for the Implementation of New or Revitalized Police Oversight

ⁱ Stephens, D., Scrivner, E., and Cambareri, J. (2018). Civilian oversight of the police in major cities. *Office of Community Oriented Policing Services*.

ⁱⁱ Usman Ali, M. and Pirog, M. (2019). Social accountability and institutional change: The case of citizen oversight of police. *Public Administration Review*, 79(3), 411-426.

WHY WE EXIST

The Berkeley Police Review Commission (PRC) was created by Berkeley voters in 1973 to provide independent civilian oversight of the Berkeley Police Department (BPD).

WHAT WE DO

The PRC advises and makes recommendations to the Berkeley City Council and Mayor, the City Manager, and the public on the practices, procedures, and policies of the BPD. The PRC is empowered to review and advise on any function of the department, including, but not limited to: hiring and training, use of weapons and equipment, and budget development. The PRC is independent of the BPD.

The PRC also investigates complaints of police officer misconduct. For more information on the complaint process, contact the PRC Office or visit the PRC website.

WHO WE ARE

The PRC is comprised of nine individuals appointed by the Berkeley City Council and Mayor. Commissioners are civilians and residents of the City of Berkeley. Any Berkeley resident over the age of 18 may apply to serve on this Commission by contacting the Mayor or a City Councilmember when there is a commission vacancy. The PRC Office is staffed by civilian employees of the City of Berkeley.

WHEN WE MEET

The Commission usually meets twice monthly on the second and fourth Wednesdays (no regular meetings are held in August and the commission meets once in November and December). From time to time, the Commission appoints temporary subcommittees to work

on a particular issue or policy, and these meetings vary. Contact the PRC Office to obtain the meeting schedule of the commission and to learn of upcoming subcommittee meetings. The meetings are open to the public and everyone is welcome.

HOW CAN I PARTICIPATE?

Through the public meetings of the Commission you can learn of the activities of the police department and share your ideas, concerns, or compliments about the policies or activities of the department. Additionally, you may apply to the Commission to serve as a non-voting member of any of its subcommittees.

PRC COMMUNITY OUTREACH

The PRC wants to ensure that the community is continually informed about PRC activities and how to effectively utilize the PRC process. Please contact us if you are interested in receiving outreach materials or would like to arrange for a presentation at a neighborhood or other community meeting or forum.



The Police Review Commission in session.

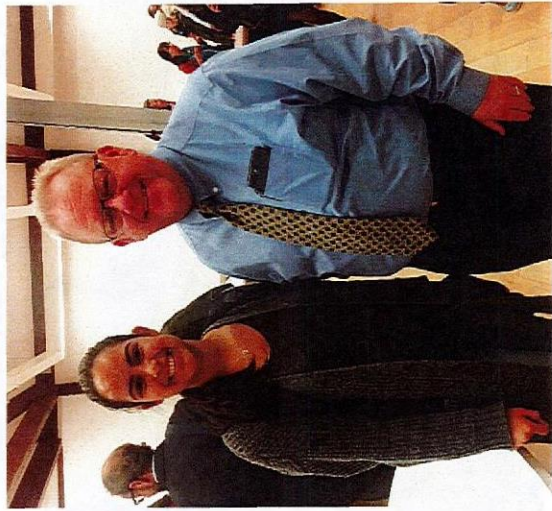
WHERE WE MEET

The PRC meets at:
South Berkeley Senior Center
2939 Ellis Street (at Ashby),
unless otherwise posted.

HOW TO CONTACT US

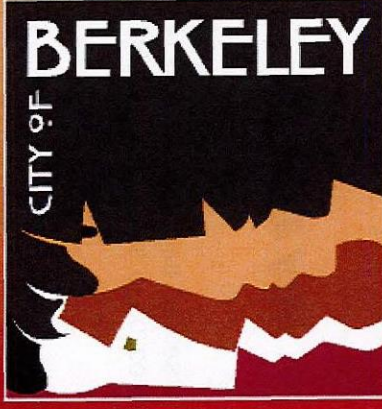
City of Berkeley
Police Review Commission
1947 Center Street, 1st Floor
Berkeley, CA 94704
(510) 981-4950 (TEL)
(510) 981-6903 (TDD)
(510) 981-4955 (FAX)

Web: www.cityofberkeley.info/prc/
Email: prc@cityofberkeley.info



PRC Chairperson Sahana Matthews and Police Chief Andrew Greenwood

THE BERKELEY POLICE REVIEW COMMISSION



AN INDEPENDENT CIVILIAN OVERSIGHT AGENCY

CITY OF BERKELEY

EXHIBIT 1



POLICE REVIEW COMMISSION

2019 ANNUAL REPORT

CITY OF BERKELEY

POLICE REVIEW COMMISSION

Commissioners - 2019

George Perezvelez, **Chair**

Gwen Allamby, **Vice-Chair**

Kitty Calavita

Michael Chang

Juliet Leftwich

Elisa Mikiten

Nathan Mizell

Ismail Ramsey

LaMonte Earnest (4-29 through 12-12-19)

Sahana Matthews (through 9-3-19)

Andrea Prichett (through 4-29-19)

Terry Roberts (through 8-15-19)

Michael Sherman (through 1-8-19)

Ari Yampolsky (through 4-16-19)

Mayor

Jesse Arreguin

Councilmembers

Rashi Kesarwani (District 1)

Cheryl Davila (District 2)

Benjamin Bartlett (District 3)

Kate Harrison (District 4)

Sophie Hahn (District 5)

Susan Wengraf (District 6)

Rigel Robinson (District 7)

Lori Droste (District 8)

City Manager

Dee Williams-Ridley

Deputy City Managers

Paul Buddenhagen

David A. White

POLICE REVIEW COMMISSION OFFICE

1947 Center Street, First Floor, Berkeley, CA 94704

TEL: (510) 981-4950 | TDD: (510) 981-6903 | FAX: (510) 981-4955

EMAIL: prc@cityofberkeley.info WEB: www.cityofberkeley.info/prc/

To the City and Community of Berkeley:

The Berkeley Police Review Commission would like to present its 2019 Statistical Report. 2019 was a policy-immersed year for the Commission. The Commission created several subcommittees, such as the Lexipol Policies Subcommittee, which was formed to consider a revision of all General Orders. The subcommittee started the review of all 100 plus operational policies impacting the Police Department and the community. Of particular note, the subcommittee tackled the continued implementation of the Body Worn Camera, Surveillance Technology and Impartial Policing policies as well as all Mutual Aid Pact agreements. The Commission also created a separate Use of Force Policy subcommittee to ensure a more thorough review of that matter.

In addition, the Commission continued the work of the subcommittee charged with reviewing the 1973 enabling ordinance and made recommendations to the City Council on a prospective 2020 ballot measure to update the ordinance. This subcommittee was integral in reviewing all the agreements with the Police Department and the Union as well as re-assessing the parameters of oversight within the city of Berkeley. Of note were the revisions associated with the standard of proof, increased investigation timelines and recommendations on discipline. The Commission would like to thank Mayor Jesse Arreguin for his leadership on this effort and steadfast commitment to the work of oversight.

The Commission participated in the Regional NACOLE conference in Oakland where the Chair gave the closing remarks. The commission also participated in the annual conference in Detroit Michigan. The Chair was the shepherd of a panel on Body-worn Cameras and Law Enforcement Oversight: "Three Case Studies on Accessibility, Implementation, and Implications for the Field."

The commissioners finalized a process for acknowledging officers and other BPD staff for outstanding recognition beyond the call of duty. The Commission also finalized internal regulations centered on streamlining the election process and engaged in the implementation and review of documents released under the passage of SB-1421. The Commission would like to thank California Senator Nancy Skinner for her commitment to transparency.

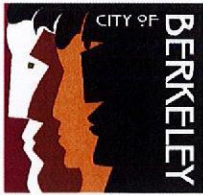
Professional training was conducted on policies related to the Use of Force, De-escalation Techniques and Mental Health Response Teams. The Commission continued its participation in the annual National Night Out program and Juneteenth celebration. The Chair attended the International Association of Chiefs of Police conference in Chicago. The Commission would like to thank Chief Andrew Greenwood and the department for their continued commitment to training.

Police oversight is driven by a commitment to transparency, accountability and public safety. During 2019, the Commission continued to strengthen its working relationship with the Berkeley Police Department and conducted its work in a manner that best meet the needs and interests of the Citizens of Berkeley.

On behalf of the PRC, I would like to thank the Berkeley chapters of the ACLU and NAACP as well as the myriad of Berkeley residents and activists for their support and advocacy. I would also like to thank the Berkeley Police Department for its tireless efforts to keep our Community safe.

Respectfully,

George Perez
Police Review Commission
Chair 2019



Police Review Commission (PRC)

July 8, 2020

Dee Williams-Ridley
City Manager
2180 Milvia Street
Berkeley, CA 94704

Dear Ms. Williams-Ridley,

I am pleased to present to you the 2019 Annual Report for the Police Review Commission. The purpose of this report, provided in accordance with the PRC's enabling ordinance (Ord. No. 4644-N.S.), is to furnish statistical data regarding the number of complaints received, their general characteristics, and manner of conclusion.

For cases that have proceeded to Board of Inquiry Hearings, the data also includes the number of hearings, the various categories of allegations heard, and whether the allegations against an officer were sustained, not sustained, unfounded, or exonerated. This report also contains data on the ethnicity, gender and ages of complainants, as well as comparisons to statistics from the previous four years.

Finally, this report describes the other work the Police Review Commission and staff took on in 2019. The full Commission and a subcommittee devoted substantial time to reviewing the Police Department's conversion of its general orders and other directives into the Lexipol policy system, work that started in 2018 and will continue into 2020. The Commission began an inquiry into the practices of asking detainees about their probation and parole status and of searching those on probation or parole. And, the Commission completed its review of the policy governing the use of body-worn cameras.

As you know, staff devoted considerable time working on responses to Public Records Act requests for records newly releasable under SB 1421. And, staff helped plan and execute a highly successful regional conference of the National Association for Civilian Oversight of Law Enforcement.

Respectfully submitted,

A handwritten signature in blue ink that reads "Katherine J. Lee".

Katherine J. Lee
Police Review Commission Officer

2019 PRC ANNUAL REPORT

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I. EXECUTIVE SUMMARY 2019

Meetings

In 2019, the Commission held 50 regular and subcommittee meetings, and Board of Inquiry hearings. By comparison, 53 such proceedings were held in 2018.

Complaints

The Commission received 17 individual complaints and 2 policy complaints in 2019. In 2018, the Commission received 13 individual complaints and no policy complaints.

Complainants

The demographic distribution of individual complainants in 2019 was: 10 females, 8 males, 1 transgender; 7 Caucasians, 6 Blacks, 2 Hispanics, and 4 multi-ethnic or other race. Complainants ranged from 19 to 76 years of age.

Board of Inquiry (BOI) Proceedings

The Commission held 3 BOI proceedings (2 hearings and 1 complaint dismissal) in which a panel of commissioners considers allegations against police officers. One finding of police misconduct was sustained, on an allegation of discourtesy, out of 10 total allegations.

Caloca Appeals

Subject officers may seek review of a BOI "sustained" finding through a *Caloca* appeal. In 2019, one sustained finding was appealed; it was upheld following a hearing.

Policy Review Highlights

A PRC subcommittee recommended and sent to the Commission for its review new proposed ways to approach detainees in asking their probation or parole status, and limitations on searching those on probation or parole

The Commission recommended, and the Police Department adopted, a policy to protect sex workers who are witness to or a victim of violent crime.

The Commission continued to review the conversion of BPD General Orders to the Lexipol policy system, a standardized format that allows for tailoring to an agency's specific needs.

Staff Work

PRC staff spent considerable time identifying records responsive to requests for police personnel records that were formerly confidential but are now disclosable under a new law.

Staff worked with the BART police oversight agency and the National Association for Civilian Oversight of Law Enforcement to co-host a Regional Conference in May, which drew almost 300 attendees.

Berkeley Police Department

At the end of 2019, BPD had 169 sworn police officers and received 76,489 calls for service. (This figure includes phone calls to BPD requesting service, calls resulting from an officer personally observing a situation requiring service, and direct contacts to BPD by a person requesting help).

II. INTRODUCTION

Berkeley's Police Review Commission (PRC) was established by voter initiative in 1973. As one of the oldest civilian oversight agencies in the nation and the first one authorized to conduct investigations, the PRC continues to be an important model and source of information for oversight bodies across the United States.

III. MISSION STATEMENT

The mission of the Police Review Commission is to provide for community participation in setting and reviewing police department policies, practices, and procedures, and to provide a means for prompt, impartial, and fair investigation of complaints brought by individuals against the Berkeley Police Department.

IV. STAFF

The PRC Office is a division of the City Manager's Office with a staff of three:

- **The PRC Officer** administers the daily operations of the PRC office, supervises staff, oversees complaint investigations, and serves as Secretary to the Commission. As Secretary, the PRC Officer staffs commission meetings and provides managerial support in the execution of PRC policies and procedures.
- **The PRC Investigator** conducts in-depth investigations of civilian complaints against members of the Berkeley Police Department, assists with special projects, and periodically serves as Acting Commission Secretary.
- **The Office Specialist III** manages the front office, provides administrative support to the PRC Officer and Investigator, prepares and maintains PRC records, and compiles statistics.



Maritza Martinez, Office Specialist III (joined staff in March 2001);
Byron Norris, PRC Investigator (joined staff in October 2009);
Katherine Lee, PRC Officer (joined staff in January 2014).

V. COMMISSIONERS

Nine Berkeley residents are appointed by the Mayor and members of the City Council to serve on the PRC. These Commissioners represent diverse backgrounds and viewpoints and therefore provide invaluable community perspectives. The Commission generally meets twice a month. Individual commissioners also attend subcommittee meetings and Board of Inquiry Hearings throughout the year. The Commissioners devote considerable volunteer time and effort toward fulfilling their duties.



Commissioners as of the end of 2019:

Top Row -- **Chair George Perezvelez, Vice-Chair Gwen Allamby, Kitty Calavita, Michael Chang.**

Middle Row – **Juliet Leftwich, Elisa Mikiten, Nathan Mizell, Ismail Ramsey.**

Other Commissioners who served in 2019:

Bottom Row – **LaMonte Earnest, Sahana Matthews, Andrea Prichett, Terry Roberts, Michael Sherman, Ari Yampolsky.**



VI. COMPLAINTS

1. INDIVIDUAL COMPLAINTS - Investigation

A complaint consists of one or more claims of alleged misconduct against one or more individual BPD officers. Timely-filed¹ complaints are investigated and prepared for hearing or, if the complainant and subject officer agree, referred for mediation. In some instances, cases are referred to the Commission for administrative closure. Cases may be submitted for closure for reasons such as: the complaint does not allege misconduct on its face or is frivolous; the investigative deadlines are not met; the complainant fails to cooperate; the complainant requests closure.

In cases where an investigation is completed, the PRC investigator interviews the complainant, subject officer, and witnesses; collects other evidence; and prepares a written report. A Board of Inquiry Hearing (BOI) is then scheduled, which consists of three Commissioners impaneled to hear testimony and render findings. The findings from the BOI are forwarded to the City Manager and the Chief of Police.

When a complaint is filed with the PRC, a copy is forwarded to the Berkeley Police Department's Internal Affairs Bureau, which conducts its own, separate investigation. Under the Memorandum of Understanding between the City and the Berkeley Police Association, any discipline that involves a loss or reduction of pay or discharge must occur within 120 days of the incident giving rise to the disciplinary action or the date the City had knowledge of the incident. While the PRC does not impose or recommend discipline, the City Manager and Chief of Police may consider the PRC's BOI findings when considering discipline, if the findings are issued in time to meet the 120-day deadline.

Separate from the disciplinary process, subject officers can appeal PRC sustained allegations, which are heard by the state Office of Administrative Hearings. (See page 19.)

The standard of proof – the amount of evidence required at a BOI to sustain an allegation – is “clear and convincing evidence.” This standard is higher than a preponderance of the evidence but lower than beyond a reasonable doubt. The four categories of findings are:

¹ Complaints must be filed within 90 calendar days of the alleged misconduct, unless a complainant is incapacitated or otherwise prevented from filing a complaint. A complaint filed between 91 and 180 calendar days of the alleged misconduct can be accepted as a late-file if at least 6 Commissioners find, by clear and convincing evidence, good cause for the complainant's failure to timely file.



1. **Sustained:** the alleged act did occur, and was not justified;
2. **Not Sustained:** the evidence fails to support the allegation, however it has not been proven false;
3. **Unfounded:** the alleged act did not occur; and
4. **Exonerated:** the alleged act did occur but was lawful, justified and proper.

Complainant Advocates. Since the fall of 2017, students at UC Berkeley Law School have, through the Berkeley Police Review Project, assisted people who file individual complaints with the PRC and desire representation throughout the process. These services are provided free of charge. Law students have since helped several complainants prepare for their cases. Because subject officers are usually represented at hearings, the Commission believes that complainants feel less intimidated and better prepared having an advocate assist them before and during the hearing.

MEDIATION – an alternative to investigation

After an individual files a complaint, he or she may opt for mediation. This will go forward if the officer who is the subject of the complaint agrees. Mediations are conducted by an independent, professional mediator. A mediation gives both the complainant and the subject officer the opportunity to speak and respond to each other in a respectful environment. At the conclusion of mediation, the complaint is closed and the Commission is notified. Once mediation is completed and the complaint closed, the complainant cannot opt for an investigation.

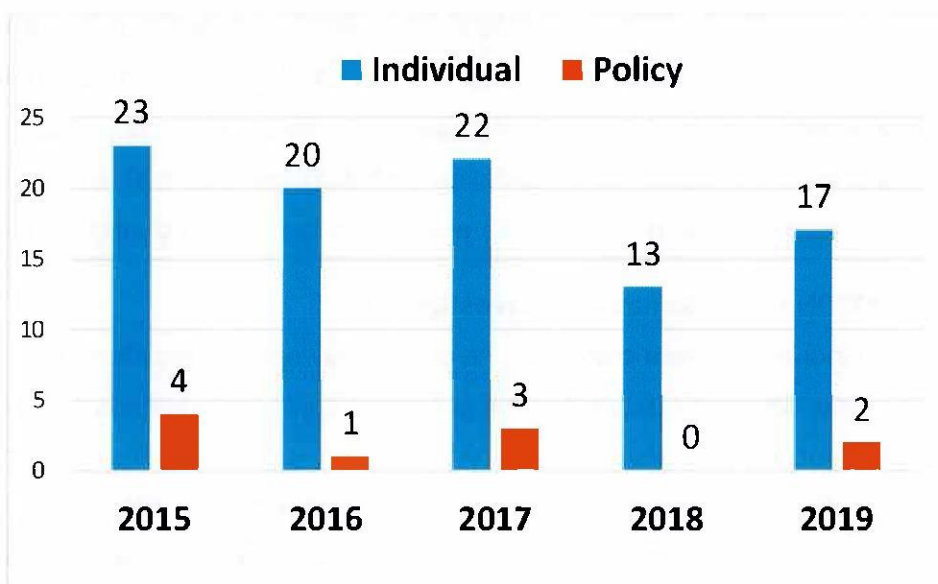
2. POLICY COMPLAINTS

A policy complaint is a request from a member of the public to the Commission to review a particular BPD policy, practice, or procedure, because the complainant believes that the policy could be improved or should be revised. Complaints or concerns about BPD policies are presented by staff to the full commission at a regular meeting. The Commission may conduct its own review; form a subcommittee to review the policy, or ask staff to conduct an investigation or take other action, and present a report at a future meeting. After conducting its own review, or receiving a report from a subcommittee or staff, the PRC may close the complaint without further action or recommend changes in policy, practice or procedures to the BPD and the City Manager.

VII. STATISTICS 2015 - 2019

1. COMPLAINTS RECEIVED

In 2019, the PRC received a total of 19 complaints, of which 17 were individual complaints and 2 were policy complaints. The average number of complaints filed yearly over the past five years is 21.

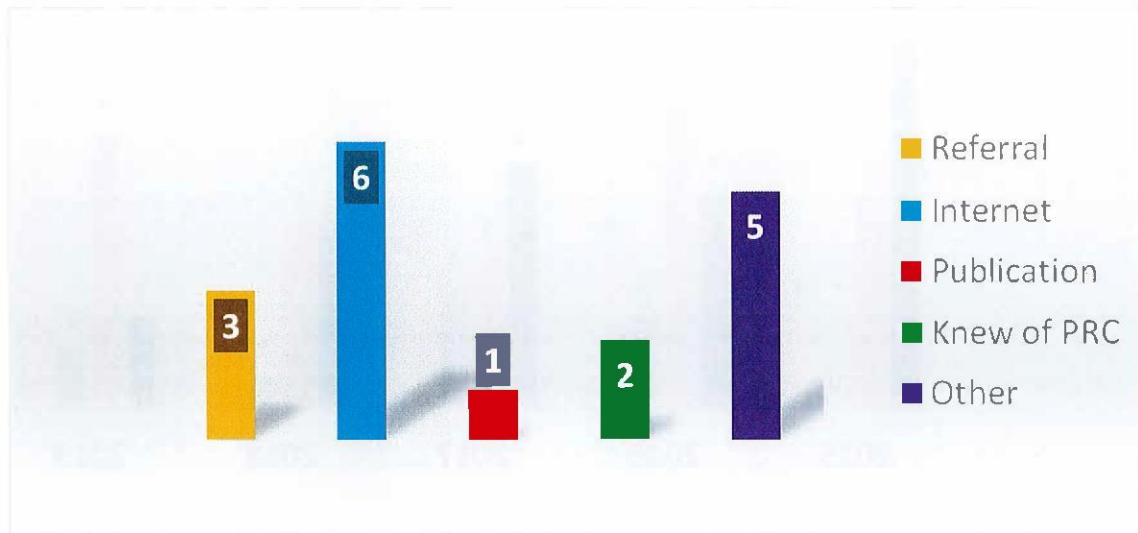


COMPLAINTS RECEIVED	2015	2016	2017	2018	2019
Individual	23	20	22	13	17
Policy	4	1	3	0	2
Total	27	21	25	13	19



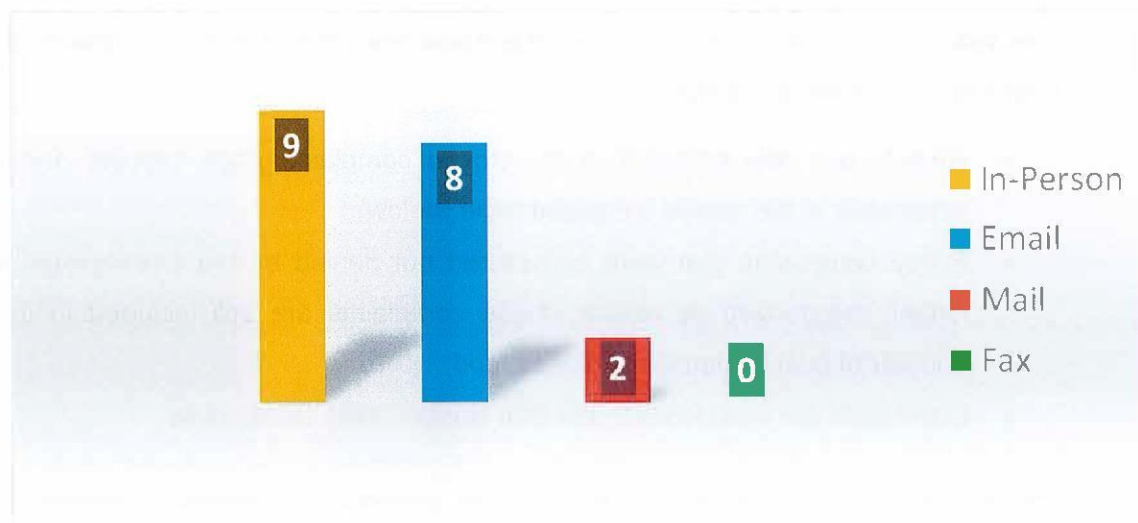
How Complainants in 2019 Heard About the PRC

On the complaint forms, complainants are asked to check a box stating how they learned about the Police Review Commission. Seventeen of the 19 complainants in 2019 responded.

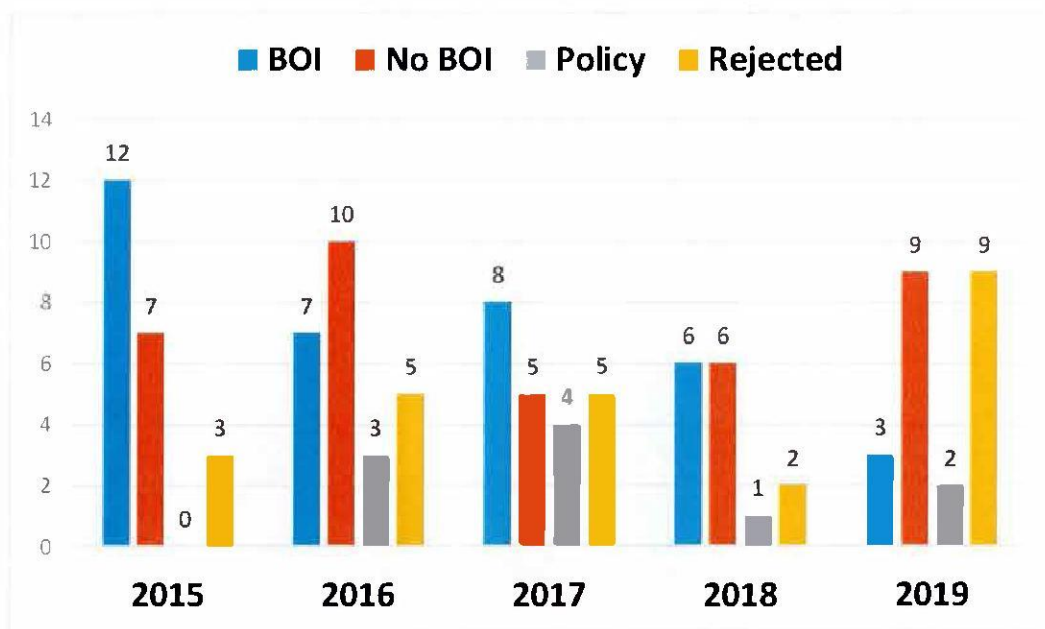


How Complainants Filed with the PRC in 2019

Persons may file individual and policy complaints by e-mail, U.S. mail, fax, or in person at our offices.



2. COMPLAINTS CLOSED



Complaints are closed as a result of a *Board of Inquiry (BOI)*, *administrative closure*, or as a *reject*.² PRC staff will reject individual or policy complaints that do not meet the minimum filing requirements of a valid complaint. For example, the person filing an individual complaint was not the aggrieved party, or the policy complaint failed to identify a police policy or practice necessitating a Commission review. In 2019, the PRC experienced a higher than usual number of rejects.

This year's report inaugurates a revised graph and new table of closed complaint statistics reflecting the following changes:

- Rejects are now reflected in the closed complaint graph (above) and shown separately in the closed complaint table (below);
- Policy complaints that were considered but denied by the Commission are no longer categorized as rejects; these complaints are still included in the total number of policy complaints closed; and
- Dismissals are included with the BOI closed cases table below.

These changes have resulted in revisions to previously published complaint closure statistics for years 2015 to 2018.

² Note that a complaint is not necessarily closed in the same year that it is received.



COMPLAINTS CLOSED	2015	2016	2017	2018	2019
BOIs	12	7	8	6	3
Hearings	8	5	8	5	2
Dismissals (failure to appear)	4	2	0	1	1
No BOIs (administrative closure)	7	10	5	6	9
Mediation	1	5	1	6	3
Other	6	5	4	0	6
Policy	0	3	4	1	2
Rejected	3	5	5	2	9
Individual	3	5	4	2	9
Policy	0	0	1	0	0
Total Cases Closed	22	25	22	15	23



3. ALLEGATIONS HEARD AT BOARDS OF INQUIRY

Allegation categories:

EXF=Excessive Force

DIS=Discourtesy

ASD=Improper Arrest, Search, Seizure, or Stop/Detention

DET=Improper Detention Procedures

PRJ=Discrimination

PRO=Improper Police Procedures

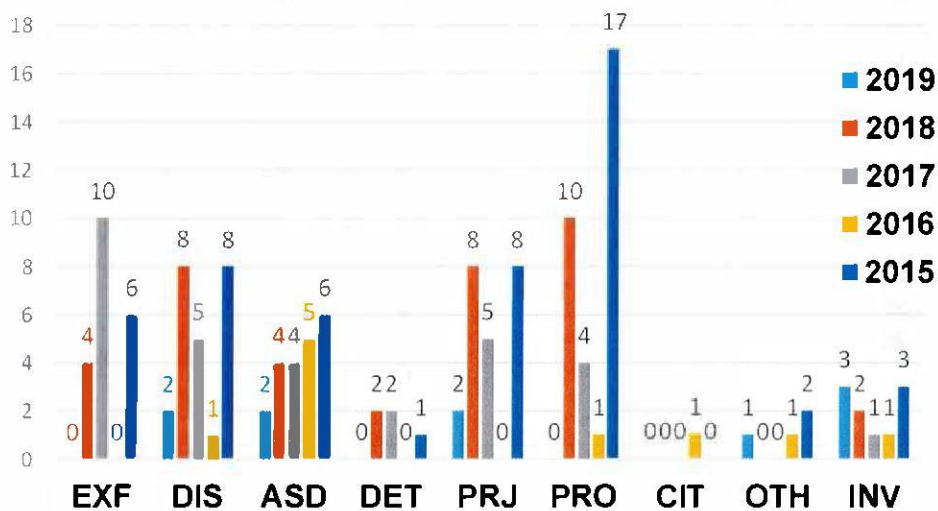
CIT=Improper Citation or Tow

OTH=Other (see p. 13 for examples)

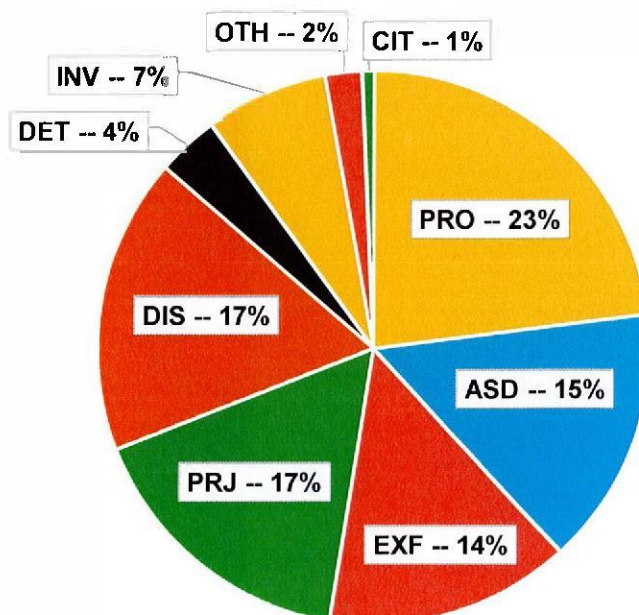
INV=Improper Investigation

HAR=Harassment (no allegations heard 2015 – 2019)

BY CATEGORY AND YEAR



BY PERCENTAGE, for the years 2015-2019 combined





4. FINDINGS ON ALLEGATIONS HEARD AT BOARDS OF INQUIRY

In 2019, a Board of Inquiry hearing was convened in three cases to make findings on allegations. One hearing did not go forward, however, as the complainant failed to appear. The PRC Regulations require dismissal in such situations (which is distinct from a Summary Dismissal of an allegation).

Ten allegations were decided in the remaining two cases. Whether separate types of allegations are lodged against one officer in the same case, or one type of allegation is made against multiple officers, each allegation against each officer is counted individually. For example, if an allegation of discourtesy is made against three officers, the statistics will reflect three separate allegations for that case.

Of the 10 allegations considered in 2019, 1 was sustained, none were not sustained or exonerated, 5 were unfounded, and 4 were summary dismissals. A Summary Dismissal occurs when the BOI determines an allegation is wholly without merit.

For the Board of Inquiry to make a finding, a majority (at least two of the three commissioners on the BOI) must agree on the same finding.

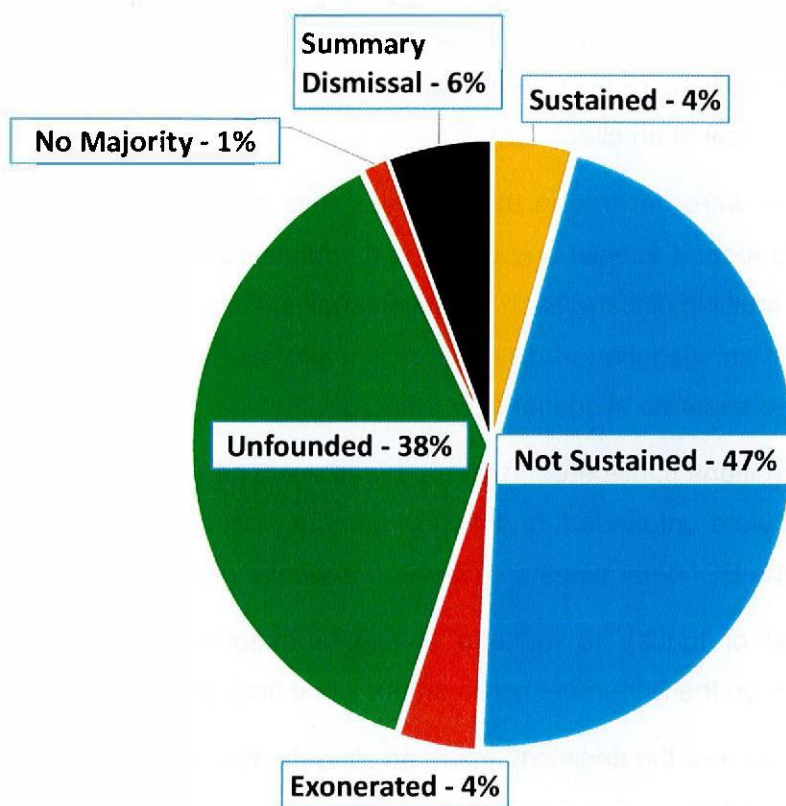
This table shows how the decisions made on allegations in 2019 compare to those of the preceding four years.

Finding Categories	2015	2016	2017	2018	2019
Sustained	1	2	0	2	1
Not Sustained	24	3	15	23	0
Exonerated	2	1	3	0	0
Unfounded	22	2	11	13	5
Summary Dismissal	0	2	2	0	4
No Majority Vote ³	2	0	0	0	0
Total	51	10	31	38	10

³ A "No Majority Vote" in 2015 occurred when each of the three commissioners voted differently. When there is no majority finding in a case, the matter is essentially dropped.

BOARD OF INQUIRY FINDINGS

(Percentage by category, for the years 2015 – 2019 combined)



RATES OF “SUSTAINED” FINDINGS 2015 – 2019

The percentage of allegations sustained of the total number of allegations heard at a Board of Inquiry Hearing for 2015-2019 are shown on this table.* No allegations were sustained in 2017.

2019	1 of 10 allegations sustained	10%
2018	2 of 38 allegations sustained	5%
2017	0 of 31 allegations sustained	0%
2016	2 of 10 allegations sustained	20%
2015	1 of 51 allegations sustained	2%

DECISIONS ISSUED WITHIN 120 DAYS OF THE COMPLAINT

Of the two cases in which a BOI hearing was convened in 2019, findings were issued within 120 days of the complaint date in one of them. In the other case, the hearing was continued at the complainant’s request, and that delay meant the findings could not be issued within 120 days.



5. FINDINGS ON ALLEGATIONS HEARD AT BOARDS OF INQUIRY

(Detailed by finding and type of allegation)

Board of Inquiry Hearings 2019										2 Cases	
Categories	EXF	DIS	ASD	DET	PRJ	HAR	PRO	CIT	OTH	INV	Totals
Sustained	0	1	0	0	0	0	0	0	0	0	1
Not Sustained	0	0	0	0	0	0	0	0	0	0	0
Exonerated	0	0	0	0	0	0	0	0	0	0	0
Unfounded	0	1	0	0	0	0	0	0	1	3	5
Summarily Dism.	0	0	2	0	2	0	0	0	0	0	4
Totals	0	2	2	0	2	0	0	0	1	3	10

Board of Inquiry Hearings 2018										6 Cases	
Categories	EXF	DIS	ASD	DET	PRJ	HAR	PRO	CIT	OTH	INV	Totals
Sustained	0	1	0	0	0	0	1	0	0	0	2
Not Sustained	4	7	1	0	2	0	7	0	0	2	23
Exonerated	0	0	0	0	0	0	0	0	0	0	0
Unfounded	0	0	3	2	6	0	2	0	0	0	13
Totals	4	8	4	2	8	0	10	0	0	2	38

Board of Inquiry Hearings 2017										8 Cases	
Categories	EXF	DIS	ASD	DET	PRJ	HAR	PRO	CIT	OTH	INV	TOTALS
Sustained	0	0	0	0	0	0	0	0	0	0	0
Not Sustained	5	1	1	0	3	0	4	0	0	1	15
Exonerated	0	2	0	1	0	0	0	0	0	0	3
Unfounded	3	2	3	1	2	0	0	0	0	0	11
Summarily Dism.	2	0	0	0	0	0	0	0	0	0	2
Totals	10	5	4	2	5	0	4	0	0	1	31

(See next page for explanation of allegation categories.)



Board of Inquiry Hearings 2016										5 Cases	
Categories	EXF	DIS	ASD	DET	PRJ	HAR	PRO	CIT	OTH	INV	TOTALS
Sustained	0	0	1	0	0	0	0	0	0	1	2
Not Sustained	0	0	2	0	0	0	0	0	1	0	3
Exonerated	0	0	0	0	0	0	1	0	0	0	1
Unfounded	0	1	0	0	0	0	0	1	0	0	2
Summarily Dism.	0	0	2	0	0	0	0	0	0	0	2
Totals	0	1	5	0	0	0	1	1	1	1	10

Board of Inquiry Hearings 2015										8 Cases	
Categories	EXF	DIS	ASD	DET	PRJ	HAR	PRO	CIT	OTH	INV	TOTALS
Sustained	0	1	0	0	0	0	0	0	0	0	1
Not Sustained	1	6	0	0	2	0	13	0	0	2	24
Exonerated	0	0	1	0	0	0	1	0	0	0	2
Unfounded	5	1	5	0	6	0	3	0	1	1	22
No Majority Vote	0	0	0	1	0	0	0	0	1	0	2
Totals	6	8	6	1	8	0	17	0	2	3	51

Allegation Categories**EXF**=Excessive Force**DIS**=Discourtesy**ASD**=Improper Arrest, Search, Seizure, or Stop/Detention**DET**=Improper Detention Procedures**PRJ**=Discrimination**HAR**=Harassment**PRO**=Improper Police Procedures**CIT**=Improper Citation or Tow**OTH**=Other (includes Abuse of Discretion, Breach of Confidentiality, Failure to Identify Oneself, Lack of Discretion, Threat, Abuse of Authority, and Retaliation)**INV**=Improper Investigation

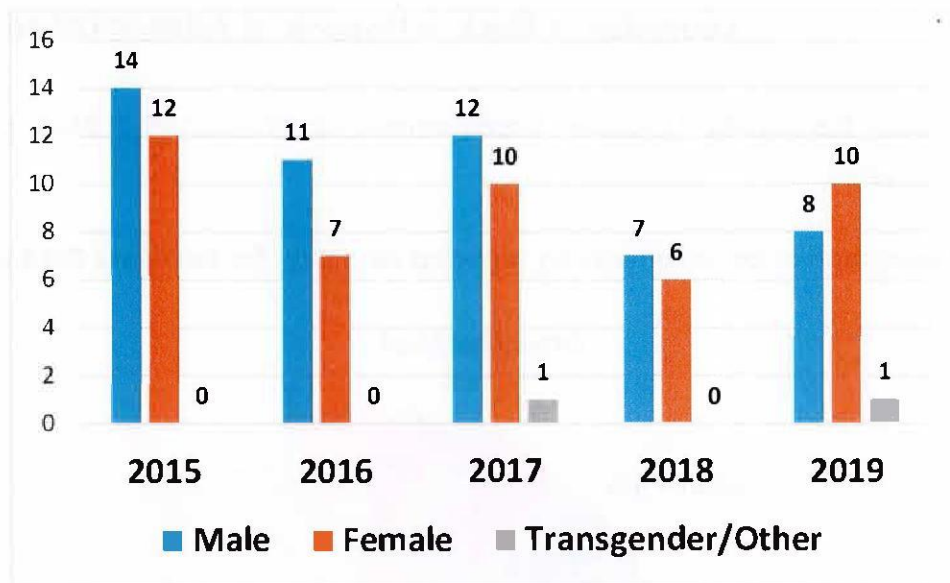


6. COMPLAINANT DEMOGRAPHICS

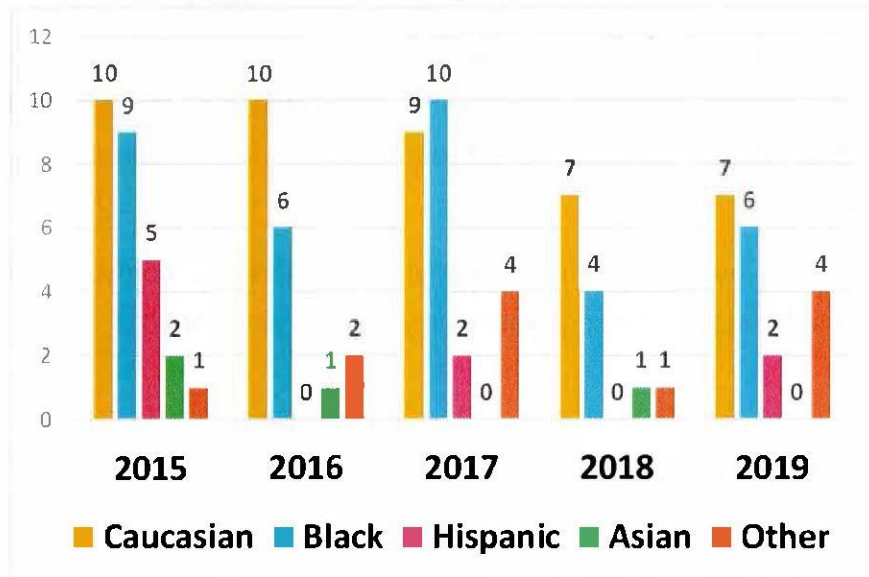
Those who file individual complaints and policy complaints are asked to report their ethnicity, gender, and age, so that the PRC can track this information for statistical purposes. These statistics reflect demographic information when provided by the complainant.

Past reports have reported demographics of individual complainants only; this year, demographic statistics incorporate policy complainants for 2015 - 2019.

COMPLAINANTS' GENDER

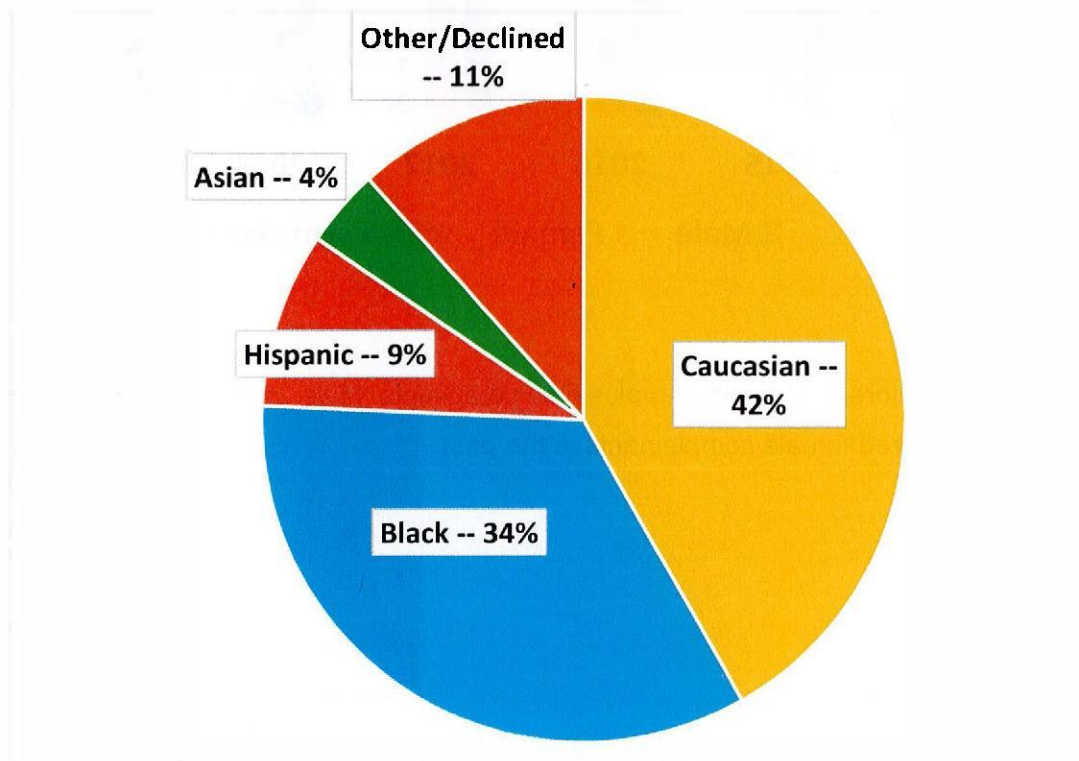


In 2019, more females than males filed complaints. Male complainants have consistently outnumbered female complainants in the past.

**COMPLAINANTS' ETHNICITY**

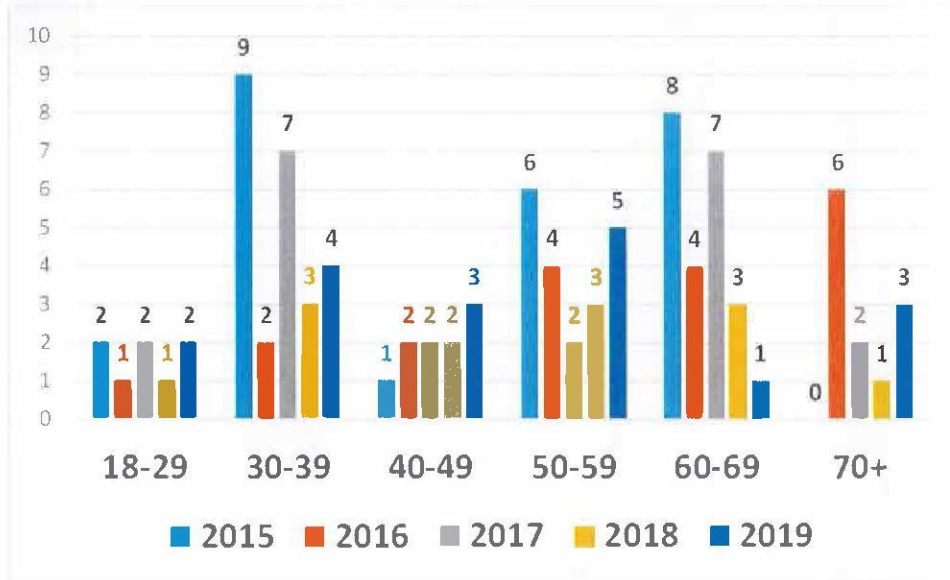
In 2019, the majority (13) of the 19 complainants were Caucasian or Black, consistent with prior years.

Percentage of complainants by reported ethnicity, for the years 2015 to 2019 combined.

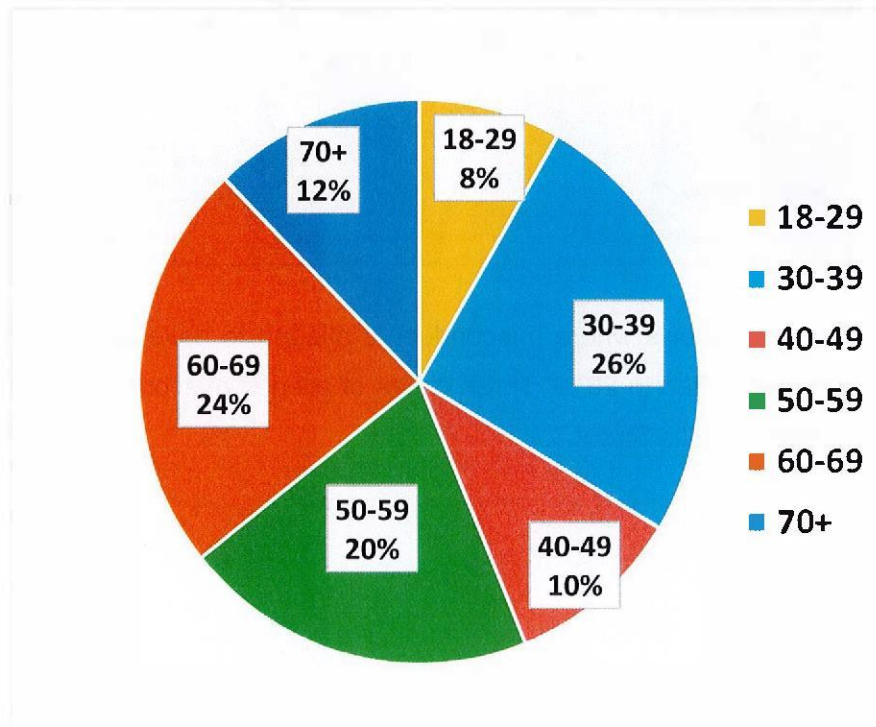


COMPLAINANTS BY AGE GROUP

Of the 19 people who filed complaints in 2019, one did not report their age.

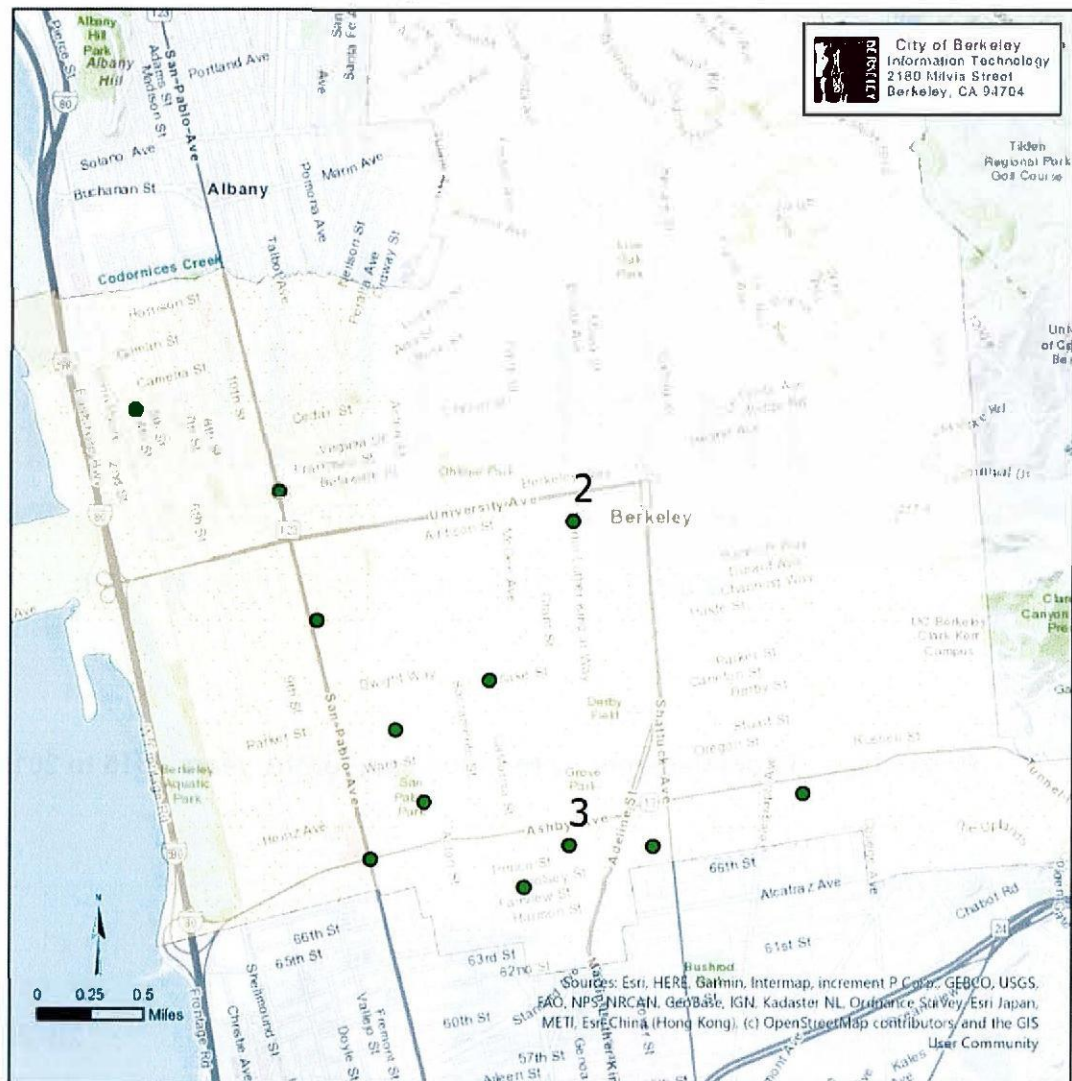


Percentage of complainants by reported age, for the years 2015 to 2019 combined.





7. INCIDENT LOCATION MAP FOR 2019



This map shows where misconduct is alleged to have occurred for the individual complaints filed in 2019. Three cases of alleged misconduct were filed for a single incident on Ellis Street.



8. APPEALS OF BOARD OF INQUIRY FINDINGS - CALOCA

Police officers can appeal findings of misconduct that are sustained at a Board of Inquiry Hearing. These are referred to as *Caloca* appeals, in reference to the court cases that established the officers' right to appeal.⁴

In the *Caloca* appeal process, an administrative law judge (ALJ) from the State Office of Administrative Hearings conducts an "*independent re-examination*" of the decision. The PRC must prove, by clear and convincing evidence, that the sustained finding should be upheld.

One *Caloca* appeal was filed in 2019, and it was heard and decided that year. In that case, the ALJ upheld the PRC's sustained finding.

This table shows the outcome of appeals decided each year from 2015 to 2019.

Year	PRC Sustained Findings Appealed	<i>Caloca</i> Ruling
2019	(1 case) 1 allegation	1 allegation upheld (<i>Sustained</i>)
2018	(1 case) 1 allegation	1 allegation overturned (<i>Unfounded</i>)
2017	(1 case) 1 allegation	1 allegation upheld (<i>Sustained</i>)
2016	(1 case) 1 allegation	1 allegation upheld (<i>Sustained</i>)
2015	(1 case) 1 allegation	1 allegation overturned (<i>Not Sustained</i>)

⁴ See *Caloca v. County of San Diego* (1999) 72 Cal.App.4th 1209 and *Caloca v. County of San Diego* (2002) 102 Cal.App.4th 433.

VIII. POLICY REVIEW, TRAINING, OUTREACH, AND OTHER WORK

1. POLICY REVIEW by full Commission

A policy review is an examination by the commission of a particular BPD policy to determine whether the department has faithfully executed the policy or whether to recommend changes to the policy. Policy reviews are initiated by one of three ways: a member of the public files a PRC Policy Complaint; the City Council refers a policy issue to the Commission; or the Commission on its own initiative votes to conduct a policy review.



Police Review Commission in Session

Body-Worn Camera Policy

The BPD began using body-worn cameras (BWCs) in October 2018, and a policy for their use was issued shortly before then. The PRC's review of that policy concluded and its recommendations were forwarded to the Police Chief in March 2019.

In 2019, PRC staff had its first opportunity to review footage from body-worn cameras as part of its complaint investigations, and Commissioners had their first chance to view BWC footage at Board of Inquiry hearings. Staff and Commissioners believe that their understanding of police officers' interactions with complainants is greatly enhanced by watching BWC video.



Surveillance Technology Use & Community Safety Ordinance

The aim of the Surveillance Technology Use & Community Safety Ordinance is to provide public discussions of potential intrusions into civil liberties and privacy rights implicated by using a particular surveillance technology, to ensure that any such intrusions are outweighed by the benefits of that technology. The City Council adopted this ordinance in 2018 based on a PRC proposal and, in late 2019, the City Manager made her first report to the Council under the Ordinance. In advance of the City Manager's report, the Police Chief sent acquisition and use policies for three surveillance technologies (body-worn cameras, automated license plate readers, and GPS trackers) to the PRC for review. The PRC reviewed the three surveillance technologies with the balancing test in mind and submitted its input to the Council.

Fair & Impartial Policing

Addressing apparent race-based disparities in policing outcomes continues to be a focus of the PRC. In November, Mayor Arreguin established a Working Group on Fair & Impartial Policing, naming a variety of stakeholders, including community members, academics, and police department personnel, to the body. PRC Commissioners Calavita, Mizell, and Ramsey were appointed to this working group, and Commissioner Ramsey was selected to be its chairperson. This group is tasked with analyzing relevant information and developing a departmental action plan to address disparities in police stops, searches, use of force, and yield rate from stops, and to build a foundation for a subsequent community process to build trust between Berkeley Police and the community. The working group plans to complete its work in 2020.

Spit Hoods

A BPD policy that received particular scrutiny was Policy 302, Handcuffing and Restraints, as some argued that the provision for using spit hoods should be banned as unnecessary and inhumane. The PRC recommended a policy allowing the use of spit hoods, with some modifications, while also endorsing the BPD's commitment to crisis intervention training (CIT) and de-escalation tactics, and use other methods of restraint when possible. The City Council was asked to weigh in on the use of spit hoods, but could not agree on a policy change. The BPD issued Policy 302 with the PRC's recommendations.



2. POLICY REVIEW by Subcommittees

Ad-hoc (temporary) subcommittees are established as needed to address BPD policy issues and policy complaints by members of the community, and to research and provide recommendations to the full Commission pertaining to other police-related issues or to respond to referrals from the City Council.

Each subcommittee is comprised of two to four commissioners, appointed by the PRC Chairperson. The PRC Ordinance allows for members of the general public to serve on subcommittees. Representatives from the Berkeley Police Department often attend PRC subcommittee meetings. The following subcommittees were active in 2019:

Lexipol Policies

Commissioners Perezvelez (Chair), Ramsey, Yampolsky, Mikiten

This subcommittee began its work in mid-2018, and in 2019 met 17 times to continue its sizeable task of reviewing the BPD's operational and administrative policies, rules, and procedures, as they are transitioned from General Orders, Police Regulations, and Training and Information Bulletins to the Lexipol policy format. Lexipol policies are standardized to ensure adherence with state law and best practices, but also allow for tailoring to local agency needs and standards.

The subcommittee is reviewing the converted policies by comparing them to the former policies and probing BPD staff, present at all subcommittee meetings, about new policies or substantive policy changes. Groups of policies approved by the subcommittee are periodically brought to the full Commission for further review and approval. From 2018 through 2019, the Commission had considered nearly 100 policies. The Lexipol Subcommittee's work will proceed well into 2020.

Probation & Parole Searches

Commissioners Calavita (Chair), Allamby, Roberts

This group was established to study two issues: whether detainees should be asked, as a routine matter, whether they are on probation or parole; and whether non-consent searches should be performed on all probationers and parolees. These are two of several areas for policy change that have been identified as necessary for fair and impartial policing.

The subcommittee's examination into the issues included review of practices in, and hearing directly from, other jurisdictions, especially the city of Oakland, which had recently revised its policies in these areas. The group's recommendations on the issue of asking



the probation or parole question, and on when non-consent searches could be conducted on probationers and parolees, were approved by the full Commission late in 2019. The search issue was passed with the stipulation that it would consider revisions from the BPD, to be submitted in 2020.

Prioritizing Safety for Sex Workers

Commissioners Ramsey (Chair), Calavita, Matthews
Public member Julie Leftwich

This subcommittee was formed in late 2018 to consider a policy to protect sex workers from arrest for certain offenses, so they can feel safe reporting that they are the victim of or witness to a sexual assault or other violent crime. The subcommittee's proposed policy (incorporated into Policy 318 on Victim and Witness Assistance) was approved with minor changes by the full Commission in late March 2019, and adopted by the BPD within ten days.

MOU Compendium Subcommittee **(Formerly Mutual Aid Pacts Subcommittee)**

Commissioners Perezvelez (Chair), Allamby, Mikiten

The Commission forms a subcommittee each year to review BPD's mutual aid agreements and memoranda of understanding with other law enforcement agencies and organizations (referred to as the "MOU Compendium"). By ordinance, the BPD must submit this compendium to the City Council annually for review and approval. Of the dozens of agreements submitted by the BPD each year, the PRC generally focuses on the new or revised agreements, and selects others of particular interest.

The MOU Compendium Subcommittee met twice in 2019, and was on hiatus the remainder of the year awaiting information from the Police Department. Due to the press of other priorities, the BPD did not bring the MOU compendium to the City Council in 2019.

3. TRAINING AND OUTREACH

- The PRC Officer, the PRC Investigator, Chair Perezvelez, and Commissioner Mizell attended the **25th Annual NACOLE Conference** in Detroit in September. The National Association for Civilian Oversight of Law Enforcement is a network of agencies and individuals working to establish and improve oversight of law enforcement in the U.S. The conference gives PRC staff and commissioners the opportunity to attend training sessions and educational workshops, and to meet and compare notes with other oversight practitioners from around the country and the Bay Area about common and unique challenges of police oversight in their communities. As one of the oldest law enforcement

oversight agencies in the country, the PRC was featured in a commemorative booklet NACOLE published to recognize its 25 years of existence.



Chair Perezvelez at NACOLE Regional Conference

- PRC staff, along with their counterparts at the BART Independent Police Auditor's Office and NACOLE organized a **Regional NACOLE Training and Networking** event. This day-long affair, held in May in Oakland, attracted nearly 300 attendees, consisting of oversight agency staff, board and commission members – including several PRC members – legislators, academics, lawyers, law enforcement personnel and other interested community members. Most participants came from the Bay Area but others traveled from further around the state, and from Oregon, Washington, and Colorado. The day's sessions covered oversight of county jails, navigating California's new transparency laws, and best practices in oversight.
- At the Berkeley Police Chief's invitation, Chair Perezvelez joined him and other members of his staff in attending the annual conference of the **International Association of Chiefs of Police** in Chicago, in October. The Chair took advantage of the dozens of educational and training opportunities by attending 18 sessions in 3-1/2 days.
- The Police Department's response to those suffering from **mental health emergencies** has been a topic of concern to the PRC, as such calls represent a growing portion of the BPD's caseload. To better understand the City's response to such emergencies, staff from the Mental Health Division and the Police Department attended a



Commission meeting to make a presentation about the BPD's crisis intervention training, and about the protocols, staffing, and funding of both agencies.

- In October, BPD Sergeant Spencer Fomby and Lieutenant Joe Okies conducted a presentation for the PRC on the Department's **Special Response Team**. Commissioners learned about the history and structure of this team; the specialized tactical training that officers undergo; its various mission types; and real-life examples of the team's response in high-risk incidents.
- Several Commissioners staffed a table at the **Berkeley Juneteenth Festival** in June, to publicize the work of the Police Review Commission and the services available to members of the public. The Chair attended local **National Night Out** events in August, an evening of neighborhood bonding and crime prevention awareness.

4. OTHER WORK

Commission Restructuring – Charter Amendment

In 2018, the Police Review Commission submitted to the City Council a proposed amendment to the City Charter that would significantly strengthen the oversight body's powers and broaden its authority. The Council modified the proposal and directed the City Manager to commence meet-and-confer proceedings with affected unions. Those proceedings continued throughout 2019 with the expectation of concluding in 2020.

Police Department Commendations

The PRC regularly reviews letters of commendation of employees of the Police Department from both members of the public and fellow departmental employees. In recognition of the numerous examples of exemplary service to the community, the Commission extended its own appreciation and commendations to more than 150 sworn officers and civilian staff of the BPD in 2019.

SB 1421 Responses

A groundbreaking state law known as Senate Bill 1421 went into effect on January 1, 2019, allowing certain law enforcement personnel records – previously confidential – to be made public. The four categories of records now releasable in response to Public Records Act requests are those related to incidents where: 1) a law enforcement officer discharged a firearm at a person; 2) a law enforcement officer's use of force resulted in death or great bodily injury; 3) a sustained finding was made of sexual assault by a law enforcement officer; and 4) a sustained finding was made of a law enforcement officer's



dishonesty in the reporting, investigation, or prosecution of a crime or of misconduct of another law enforcement officer.

The Commission, the BPD, and other City departments were immediately met with requests for records in all categories. PRC staff was part of a multi-departmental team to ensure proper implementation of the law, and to coordinate and prioritize responses. After devoting considerable resources early in the year to timely respond to requests for the most recent records, research into past complaints continued at a more modest pace. The drop in number of complaints filed toward the end of the year allowed PRC staff to perform this work, saving the City the expense of hiring outside resources.

Guiding Principles

The Commission enacted a set of "Guiding Principles," in order to strengthen its relationship with the Police Department and the Berkeley Police Association. Among other things, it calls for seeking input from and the Department and the Union when discussing policies and practices, attending community events sponsored by the BPD, and collaborating with the BPD in interactions with the City Council and City Manager on matters related to staffing, equipment, and community outreach.

Informal Complaints

The Commission also adopted procedures for handling informal complaints, defined as complaints alleging misconduct against specific police officers that are not filed on the PRC complaint form. These complaints were formerly included in public agenda packets as communications until the PRC was advised that the privacy rights of police officers required even informal complaints against named officers had to be handled confidentially, in closed session.



IX. 2019 MEETINGS & HEARINGS

Type of Meeting or Hearing	Number
Regular PRC Meetings	19*
Boards of Inquiry (BOI)	3
Lexipol Policies	17
MOU Compendium	2
Probation & Parole Searches	8
Safety for Sex Workers	1
TOTAL	50

* The PRC's regular meeting of October 9, 2019, was canceled due to an anticipated public safety power shut-off.

2019 MEETING & HEARING DATES

January

9 Regular Meeting
14 Lexipol Policies
23 Regular Meeting

February

13 Lexipol Policies
13 Regular Meeting
27 Regular Meeting

March

6 MOU Compendium
8 BOI, Complaint #2446
13 MOU Compendium
13 Safety for Sex Workers
13 Regular Meeting
27 Lexipol Policies
27 Regular Meeting

April

1 BOI, Complaint #2449
10 Regular Meeting
24 Regular Meeting

**May**

1	Lexipol Policies
8	Lexipol Policies
8	Regular Meeting
14	BOI, Complaint #2448
22	Lexipol Policies
22	Regular Meeting

June

10	Probation & Parole Searches
12	Lexipol Policies
12	Regular Meeting
18	Probation & Parole Searches
18	Lexipol Policies
26	Regular Meeting

July

10	Lexipol Policies
10	Regular Meeting
11	Probation & Parole Searches
18	Probation & Parole Searches
18	Lexipol Policies
24	Lexipol Policies
24	Regular Meeting

August

7	Lexipol Policies
14	Probation & Parole Searches

September

3	Probation & Parole Searches
4	Lexipol Policies
4	Regular Meeting
18	Regular Meeting

October

8	Probation & Parole Searches
9	Lexipol Policies
22	Probation & Parole Searches
23	Lexipol Policies
23	Regular Meeting

November

13	Lexipol Policies
13	Regular Meeting

December

11	Lexipol Policies
11	Regular Meeting



Police Review Board

- **What:** Anaheim's new civilian oversight board for the city's police department
- **Role:** advise and make police policy recommendations to the city manager with support from Los Angeles-based OIR Group, Anaheim's external police auditor
 - ▶ See *OIR Group* below
- **Board history:** The Police Review Board is an enhanced expansion of Anaheim's Public Safety Board
 - ▶ See *Public Safety Board* below
- **Board Responsibilities:**
 - Real-time notification of and access to the locations of officer-involved shootings
 - Private briefings on major incidents, including access to body-worn camera footage
 - Publish statistics on officer-involved shootings, uses of force, complaints and outcomes
 - Receive community complaints and concerns and refer them to Anaheim's city manager, Anaheim Police, or OIR Group for review and response
 - Consider and approve policy recommendations made by OIR Group
 - Vote on and offer findings on Anaheim Police Department responses to OIR Group recommendations
 - Review some police policy recommendations prior to adoption
 - Hear about police training and practices
 - Audit existing police policies
 - Produce a publicly available annual report
- **Board members:** seven Anaheim residents selected by lottery from each of the city's six districts plus one member selected from the city at large
 - **District 1:** Randall Brown
 - **District 2:** Phillip Wolfgramm
 - **District 3:** Diana VanKirk
 - **District 4:** Ryan Wagner
 - **District 5:** Leon Cisneros
 - **District 6:** Mayra Gomez
 - **At large:** Vacant



FactSheet

Police Review Board

- **Qualifications:**

- Residency in the district members are representing
- Residency in Anaheim for at-large member
- Background check
- Must sign confidentiality agreement

- **Process:**

- **Early 2018:** community outreach, applications, member selection
- **June 2018:** board seated
- **August 2018:** training
- **Sept. 27, 2018:** first public meeting

- **Meetings:** monthly, open to public with agendas, reports, minutes and meeting records posted online at Anaheim.net/PRB

- **Support staff:** representatives of the city manager's office and OIR Group

- **Timeline:**

- **Feb. 28, 2017:** City Council workshop to hear about the work of the Public Safety Board and an evaluation report
- **March 21, 2017:** City Council hears options to expand Public Safety Board scope
- **March-September 2017:** meetings with the Anaheim Police Association, Anaheim Police Management Association, American Civil Liberties Union of Southern California, Orange County Communities Organized for Responsible Development, Anaheim Poverty Task Force, Law Enforcement Accountability Network, Anaheim Community Coalition
- **June 8, 2017:** community meeting on the future of the Public Safety Board
- **June 29, 2017:** community meeting on the future of the Public Safety Board
- **Sept. 12, 2017:** update to City Council on community and stakeholder outreach
- **Dec. 5 2017:** Update to City Council on proposed Police Review Board, expanded successor to Public Safety Board
- **March 23, 2018:** applications due for PRB members
- **June 2018:** board seated
- **August 2018:** training



FactSheet

Public Safety Board

- **What:** precursor to the Police Review Board; nine-member community advisory board to the city manager that met quarterly from October 2014 to February 2017
- **Members:**
 - Forrest Turpen, chair
 - Robert Nelson, vice chair
 - Carolyn Bryant
 - Michael Colicchio
 - Thomas Dunn
 - Ericka Martinez
 - Michael Vogelvang
 - Two vacancies
- **Created:** February 2014 as a two-year pilot program
- **Meetings:** 12 from October 2014 to February 2017
- **Public Safety Board role:**
 - Reviewed some officer-involved shootings, uses of force
 - Reviewed policies and practices
 - Reviewed police and fire budgets
 - Reviewed staffing levels
 - Reviewed delivery of service
- **How it worked:** Public Safety Board members worked with OIR Group, Anaheim's independent external public safety auditor



FactSheet

OIR Group

- **What:** Los Angeles-based law enforcement consultant to cities, public safety agencies and others
- **Who:** Led by Michael Gennaco, former chief attorney of the Office of Independent Review for Los Angeles County and former chief of the Civil Rights Section at the U.S. Attorney's Office for the Central District of California
- **Services:** reviews of public safety agencies, critical incident reviews and analyses, complaints and internal investigations, policy assessment, evaluation and conducting of training
- **Work with Anaheim:** the city has contracted with OIR Group since 2007
- **Scope of Anaheim work:**
 - Serves as police practices adviser to the city, its Police Review Board and prior Public Safety Board
 - Responds to the scene of all officer-involved shootings and in-custody deaths and advises during investigations
 - Reviews lethal force and in-custody death cases
 - Reviews bias-based policing complaints
 - Reviews administrative investigations of sergeants or higher
 - Advises the city on investigations and outcomes

CITY OF ANAHEIM POLICE REVIEW BOARD



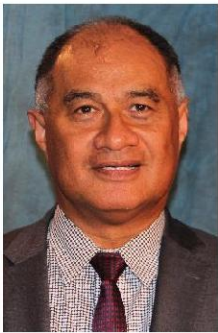
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2019 Annual Report

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BOARD MEMBERS

Phillip Wolfgramm, Chair



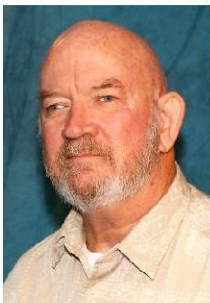
A real estate executive, Wolfgramm serves as Chairman of the Police Review Board and represents District 2 in central-west Anaheim. On the board, Wolfgramm seeks to help strengthen the relationship between the Anaheim Police Department and the city's residents. Wolfgramm is senior vice president of asset management and acquisitions for Kam Sang Co. in Arcadia. Kam Sang owns, builds and acquires commercial real estate, including retail and residential properties and hotels such as the Sheraton Garden Grove-Anaheim South in Garden Grove. He is a 20-year resident of Anaheim. Wolfgramm lives in District 2 with his wife and their five children.
Term expires in June 2022.

Ryan Wagner, Vice Chair



A supervisor at fastener maker West Coast Aerospace Inc., Wagner represents District 4 in central-south Anaheim. He serves on the Police Review Board to give back to Anaheim, where he moved a few years ago. Wagner seeks to learn more about the Anaheim Police Department and work with the community to address potential areas of improvement. Wagner earned a bachelor's in business administration and sociology from the University of Oregon. He is training to get his private pilot license.
Term expires in June 2021.

Randy Brown, District 1



Retired from the retail industry, Brown represents District 1 in west Anaheim. As a longtime west Anaheim resident, Brown has seen issues facing the area, including the impacts of homelessness, motels, human trafficking and drug abuse. He serves on the Police Review Board to represent west Anaheim and push for continued renewal of the area. Brown has lived in Anaheim for more than 30 years and raised a family here.
Term expires in June 2021.

Diana VanKirk, District 3



A retired nurse, VanKirk represents District 3 in central-north Anaheim. She serves on the Police Review Board with a goal of fostering understanding between the community and the Anaheim Police Department. VanKirk also seeks to pass along policing concerns of residents and others to ensure proper procedures and policies are followed. VanKirk has lived in Anaheim since she was an early teen. She attended Trident Junior High School, which closed in 1989, and Savanna High School. She earned nursing degrees from Fullerton College and California State University, Fullerton, and a master's in

nursing and midwifery at a joint program offered by the UCLA and UC Irvine. VanKirk worked for decades as a registered nurse, including at West Anaheim Community Hospital and Kaiser Permanente. She volunteers on pet therapy visits to Anaheim Memorial Regional Hospital and Kaiser Permanente Orange County Anaheim Medical Center and for the children's reading program at Haskett Branch Library.

Term expires in June 2021.

León Cisneros, District 5



A political consultant and operative, Cisneros represents District 5 in central-east Anaheim. He serves on the Police Review Board to address issues he has experienced and seen in neglected working-class neighborhoods and those raised by the American Civil Liberties Union. He is passionate about promoting Democracy, Freedom, and Justice. Cisneros is a recent graduate from the Graduate School of Political Management at The George Washington University, holds a bachelor's in political science and government from California State University, Fullerton and an associate's in political science from Fullerton College.

Term expires in June 2021.

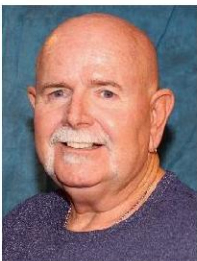
Mayra Gomez, District 6



An executive assistant at the Anaheim Family YMCA, Mayra Gomez represents District 6 in east Anaheim. Gomez joined the Police Review Board as a way to continue giving back to her community. She is also passionate about promoting social justice issues and increasing diversity, equity and inclusion. Gomez was born and raised in Anaheim and attended Katella High School. She holds a bachelor's degree in social ecology from University of California, Irvine. Gomez lives in east Anaheim with her husband and 5-year-old son.

Term expires in June 2022.

Tim Webb, At-Large



A retired truck driver, Webb represents Anaheim at large. He serves on the Police Review Board to make a difference in his community. Webb has lived in Anaheim since 1955 and attended Magnolia High School before serving in the Navy, including two tours duty in Vietnam in the late 1960s and 1970s. After the Navy, Webb became a truck driver hauling sod and lumber and worked in the grocery business. A grandparent, Webb's been married for 25 years.

Term expires in June 2022.

OIR GROUP

OIR Group is a team of police practices experts that has worked with the City of Anaheim to monitor its Police Department since 2007. OIR Group's members are attorneys with extensive experience in the civilian oversight of law enforcement. In jurisdictions throughout California as well as several other states, OIR Group has performed a variety of services related to the independent review of police issues. These have ranged from investigation and evaluation of specific incidents to the broader assessment of an agency's operations.

OIR Group's lead members in the City of Anaheim are Michael Gennaco and Stephen J. Connolly. Mr. Gennaco is a former federal prosecutor in the Civil Rights Division of the U.S. Department of Justice. He is a nationally recognized oversight expert and a contributor to President Obama's Task Force on 21st Century Policing. Since 2001, Mr. Connolly has practiced exclusively in the field of law enforcement oversight, and regularly teaches classes to police personnel on issues of risk management, effective supervision, and officer accountability.

OIR Group's role in Anaheim began with relatively limited audit functions regarding closed cases. Its responsibilities and influence have evolved over the years as the City has expanded its approach to oversight, and as the Police Department itself has responded to OIR Group recommendations and enhanced its own internal review mechanisms. Anaheim PD's Major Incident Review process, for example, has grown into a model for the holistic administrative assessment of critical incidents. It looks at officer performance and surrounding issues of equipment, supervision, communication, tactics, and decision-making in pursuit of potential insights for the future effectiveness of the agency. OIR Group participates actively in that process – beginning with a “roll-out” response to the scene of officer-involved shootings and other critical events – and has encouraged its development over the years.

As oversight professionals, and attorneys who have full access to the Department's investigative case files and records, OIR Group offers an independent assessment of the police response to critical incidents, uses of force, and misconduct investigations. It issues periodic reports that describe its appraisal of individual case files and offer recommendations for systemic improvement. The Police Department has accepted and implemented the overwhelming majority of these recommendations over the years.

With the development of the new Police Review Board, OIR Group's main responsibility is now to support the Board's work. It does this by offering an independent perspective, sharing its insights into specific matters that come to the Board's attention, and using its access to police records to help ensure the legitimacy of the Department's internal investigations.



Police Review Board

2019 ANNUAL REPORT WELCOME MESSAGE

Issues relating to law enforcement, and the interaction between the police and those they serve, is in a state of evaluation and evolution across our country, in California, and here in Anaheim.

New laws, increased media and public scrutiny, coupled with the persistence of weapons, drugs, gangs and other social challenges on our streets and around our homes, have combined to create a pivotal moment for public safety agencies like the Anaheim Police Department (“APD”). More than ever, the police are being held to high standards of accountability, and community members are seeking more of a voice in police operations.

Anaheim’s new Police Review Board, or “PRB”, is a response to these developments. It reflects the City of Anaheim’s commitment to civilian oversight and community involvement. Its formation was the product of considerable study and discussion by the Mayor, City Council, APD, and residents about how an effective review model could and should be formed.

The PRB model that resulted from that process is an expansion of an earlier civilian oversight pilot project, the Anaheim Public Safety Board, which met on a quarterly basis from 2014 to 2017. That group of volunteers gave generously of their time and paved the way for the new Board – in part by showing the need for more concrete ways of influencing APD.

The new PRB features those increased responsibilities, including timely review of officer-involved shootings and other major incidents, hearing community concerns, and recommending policy changes for consideration by the Anaheim Police Department. By giving Board members increased training on police practices and procedure, and by having them do ride-alongs with APD officers, the City worked to give the new Board a solid foundation to begin its work. And its meetings, which are monthly instead of just four times a year, are designed to provide the public with substantive information about APD while also serving as a forum for direct feedback from residents.

Other key features of the PRB include the following:

- Board members are drawn by lottery from Anaheim’s resident community, and just like our neighbors, we are also served by the Anaheim Police Department.
- Board members seek to bring the community closer to its police department by timely reviewing major incidents, hearing from residents, and making recommendations to improve policing in Anaheim.
- Board member’s views reflect a diversity of perspectives on policing in Anaheim, resulting in frank dialogue and robust sharing of ideas about the future of public safety in Anaheim. The result of our work, discussion and deliberation is reflected in this annual report.

- Board members, however, do not have jurisdiction over employment matters including the hiring of personnel or relieving them of duty, acknowledging or disciplining personnel based on performance or investigating major incidents involving the Anaheim Police Department.

Against this backdrop, the Police Review Board is pleased to share this annual report which summarizes our first year of service. The report, which is itself representative of our expanded role, is meant to provide insight into our process and initial oversight experiences. It includes policy recommendations and a recap of the Board's work in its first year.

We are honored to serve our city and share this report with you. We look forward to the Police Review Board's second year and our continued work to enhance the relationship between the Anaheim Police Department and our community.

ABOUT THE POLICE REVIEW BOARD

The Police Review Board (PRB) is Anaheim's civilian oversight board for the city's police department. The PRB advise and make police policy recommendations to the City Manager with support from the OIR Group, Anaheim's independent external auditor. The new review board was seated in June 2018 and works closely with the OIR Group, which has served as the city's outside police practices adviser since 2007.

The PRB is comprised of seven members, one representative from each of Anaheim's six council districts and one representative from the city at-large. Members were selected by the City Manager by lottery and serve for a three- or four-year term initially, determined by the district in which they serve.

The Board responsibilities include:

- Receiving real-time notification of and access to the locations of officer-involved shootings and other critical incidents
- Receiving private briefings on major incidents, including access to body-worn camera footage
- Publishing statistics on officer-involved shootings, uses of force, complaints and outcomes
- Receiving community complaints and concerns and refer them to the City Manager, Anaheim Police, or the OIR Group for review and response
- Considering and approving policy recommendations made by the OIR Group
- Voting on and offering findings on Anaheim Police Department responses to OIR Group recommendations
- Reviewing some police policy recommendations prior to adoption and offering input as appropriate
- Hearing about police training and practices
- Auditing existing police policies
- Providing a publicly available annual report

The PRB holds public meetings monthly, beginning at 6 p.m. on the fourth Thursday of the month at Anaheim West Tower located on 201 South Anaheim Boulevard. The public sessions are preceded each month by a closed gathering of the Board in which members receive confidential briefings on critical incidents that have occurred in the city. These briefings constitute an unprecedented level of access to ongoing investigations involving high profile police encounters such as shootings or other in-custody deaths.

MISSION STATEMENT

The Police Review Board brings enhanced community oversight of the Anaheim Police Department with independent review of major incidents while also serving as a forum for community feedback and education about the role of policing in Anaheim.

Serving as the community's voice, the Police Review Board brings added oversight and accountability while also building trust between the Anaheim Police Department and those it serves.

COMPLAINT PROCESS

One of the functions of the Board is to serve as a liaison between the public and the APD. Though the Board does not have its own investigative or disciplinary authority, it does hear complaints that members of the public bring to its attention. Depending on the nature of the concern presented, the Board can facilitate communication, make a request of the Department for more information, or monitor any investigation that is warranted. It can also direct OIR Group – which has access to the Department's investigative files – to research closed cases and ensure that issues were addressed appropriately.

If a member of the public is registering a specific allegation of misconduct, then the Board can help bring the matter to the attention of the right people. In addition, the Board and the City Manager's Office will follow up on what happens and get back to the complainants with additional information. However, the Department will conduct the investigation and decide the disciplinary outcomes or other resolutions.

At meetings and in the community, the Board members had the chance to meet several individuals who raised general safety issues, complained about specific incidents that involved themselves or family members, or just wanted to share their perspective on policing priorities and challenges in the City. The Board tracks these encounters and, working with the Department and OIR Group, works to ensure that there has been or will be an appropriate response.

TRAINING/ORIENTATION

PRB members participated in extensive training prior to the first public meeting September 2018.

The PRB members are required to:

- Adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics.
- Comply with all applicable state and federal laws regarding confidentiality.
- Commit 20-40 hours per month to fulfill their duties.
- Ride along with Anaheim Police Department

To better understand the substance of individual incidents it reviewed throughout the year, PRB members received training on a range of topics relating to legal standards, administrative procedures, and investigative protocols. These included the following:

- History of police oversight in Anaheim and civilian oversight's evolving role
- Fourth Amendment
- Terry v. Ohio (police authority to detain)
- Graham v. Connor (thresholds for police use of force)
- 835a Penal Code (officer authority to use force)
- 148a Penal Code (law prohibiting obstructing or resisting officers in the performance of their duties)
- Anaheim Police Department Policies
- Police interaction simulation training

CONFERENCE

For 25 years, the NACOLE Conference has brought together people from throughout and outside the United States to discuss ways to make oversight of law enforcement as effective and meaningful as possible. Over four days, the conference features panels of experts sharing their insights in all aspects of the interaction between police agencies and the civilian groups who monitor them.

In 2018 and 2019, two different PRB members attended these annual events various seminars on topics such as community policing, transparency in policing, the strengths and limitations of different models of oversight, the role of oversight in reviewing uses of force, ways to utilize force data, de-escalation training, pursuit policies, Internal Affairs and discipline, and community outreach.

- 2018 National Association for Civilian Oversight of Law Enforcement (NACOLE), St. Petersburg, Florida
- 2019 National Association for Civilian Oversight of Law Enforcement (NACOLE), Detroit, Michigan

APD INTERVIEW PANELS

Individual PRB members had the opportunity to participate in panel interviews with finalists for high-ranking positions in APD's leadership team. This constituted a new and unique way for the PRB to represent the public's perspective in shaping APD at the supervisory level.

ROLL OUTS

Another critical function of the Board is to observe the scene of officer-involved shootings or use of force incidents so that the board members can gain a better understanding of the conditions surrounding officer involved shootings or use of force incidents. **Board members receive real-time notification on major incidents. The Chair or designee is authorized to visit the location of incidents that result in the involvement of APD's Major Incident Response Team (MIRT) who handle the officer-involved shootings or use of force incidents. They also receive private briefings by MIRT when a critical incident occurs which may include a review of body worn camera footage. This authorization from APD and the City is ground breaking; we are aware of no other citizen review board in the country that has the authorization to rollout to critical incidents and receive real-time briefings.**

Board members were called out and responded to the scene of the below events:

- July 21, 2018: fatal officer-involved shooting (former Member Celosse)
- March 9, 2019: traffic collision with injury involving APD employee (Member Webb)
- March 15, 2019: officer-involved shooting with injury (Member VanKirk)
- April 4, 2019: fatal officer-involved shooting (Member Wolfgramm)

COMMUNITY OUTREACH

The Board is required to conduct regular community engagement and outreach, with each member required to conduct outreach in their respective district to raise awareness of the PRB, including meeting with the Council Member representing the district. Members are encouraged to attend community events, including district community meetings on a regular basis.

Board members attended the meetings and events below:

- August 7, 2018: National Night Out (Member Webb)
- September 17, 2018: Planning Commission Meeting (Member Wagner)
- October 2018: District 5 & 6 Community Meetings (Member Webb)
- February 2019: Coffee with a Cop (Member Webb)
- February 13, 2019: District 4 Community Meeting (Member Wagner)
- April 2019: Tacos with a Cop (Member Webb, Member Gomez)
- May 8, 2019: Critical Incident Community Briefing (Member VanKirk, Member Wagner)
- August 6, 2019: National Night Out (Member Gomez)

To support the Board's community outreach efforts, **a brochure with general information on PRB was created for members to pass out while attending events. (See Appendix A).**

STATISTICS

Anaheim Police Department Cumulative Data

	2019 (thru September 24)	2018	2017	2016 Total	2015	2014	2013	2012
Number of Officer Involved Shootings	2	4	2	5	4	3	1	9
Number of in-custody deaths	1	3	0	2	0	1	1	1
Number of administrative investigations in which the subject employee holds the rank of sergeant or higher *	3	8	8	18	3	7	7	14
Number of administrative investigations *	77	112	162	71	88	126	100	124
Number of complaints #	51 12 Internal 39 External	72 19 Internal 53 External	106 33 Internal 73 External	41 25 Internal 16 External	42 21 Internal 21 External	55	58	46
Number of use of force (all force) Triggering the FAS system **	97	152	100	126	108	131	138	146
Use of force complaints	2	1	13	4	8	12	16	8

*includes accident investigations, internally generated investigations, and externally generated investigations

#includes internally generated complaints, and externally generated complaints

****Force collection and analysis system (FAS)- Threshold into reporting into AIMS or existing force - Any visible injury, complaint of pain, use of any implement or device, render the person unconscious, carotid restraint, any unusual circumstances.**

TOPICS STUDIED

One goal of the Board is to create a forum where the public can learn more about how and why APD does things in particular ways – and for APD to hear questions and reactions about its approaches. As a result, we invited APD representatives to present on a range of topics that members generated in response to their own neighborhood or personal concerns, or in response to briefings we received about particular cases. We also featured presentations by OIR Group on issues relating to oversight and transparency in law enforcement. We hope these sessions will be informative and educational to the members of the public in attendance. This year's subjects included the following:

- **OIR Group Update – Recent Developments in Civilian Oversight**
- **NACOLE Conference Update**
- **OIR Group Update – AB 748 and SB 1421**

These two new state laws, now implemented, provide unprecedented public access to previously confidential police investigations, including deadly force cases and certain categories of misconduct.

- **Homeless Presentation**

Presentation by APD on its strategies for addressing homelessness issues in the city, its liaison program that promotes social services to needy individuals, and its enforcement policies for camping, loitering, and other behaviors linked to homelessness.

- **Brady and Pitchess – Presentation by OIR Group**

These longstanding laws relate to access to law enforcement records in the context of criminal or civil cases in which officer behavior is a potential issue.

- **School Lockdown Information – Presentation by APD**

This presentation provided information on how APD responds to in-progress incidents that could potentially impact a school environment within the city.

- **SB 1421 Follow Up – Presentation by APD**

This presentation focused on compliance strategies for the law, which as of July 1 imposed new disclosure requirements on police agencies in California with regard to videos and other recorded evidence of critical incidents. This would include body-worn camera footage in Anaheim, where the officers have worn cameras since 2015.

TOPICS STUDIED (CONTINUED)

- **De-escalation Techniques – Presentation by APD**

This is an important trend in the way that police encounter members of the public who are confrontational and/or experiencing instability because of intoxication or mental health impairment issues. New training and techniques equip officers with communication techniques, timing strategies, and other methods of defusing and resolving conflict without resorting to force.

- **Major Incident Review Team Overview (MIRT) – Presentation by APD**

The MIRT program is APD administrative response protocol for investigating and addressing critical incidents involving its personnel. This includes all officer-involved shootings and in-custody deaths. This discussion explained the elements of MIRT and how it contributes to accountability and reforms within APD.

- **Parking Overview – Presentation by APD**

Parking codes, violations, and citations are a significant source of concern for many Anaheim residents. This discussion explained APD's role in enforcing the rules – and the limitations of its authority over the city's planning decisions.

- **Family Liaison/Use of Force – Presentation by APD**

We reviewed several deadly force incidents, and noted multiple situations in which police communication or encounters with the involved family members became an added source of strain. The presentation addressed APD's approaches to these sensitive interactions.

- **Duty to Intercede Presentation – Presentation by APD**

Some of the cases we reviewed made us interested in the dynamics between officers – and how they are trained to react if they are concerned about how a specific incident is unfolding. This discussion covered the policies and training with which APD currently equips its personnel to respond.

- **Anaheim Police Association – Presentation by Edgar Hampton, President**

The employment rights and priorities of officers are influential in a variety of contexts. Mr. Hampton offered some remarks about his role and the union's attitude toward outside oversight and accountability; he also answered several questions from Board members.

TOPICS STUDIED (CONTINUED)

- **Community Outreach Overview – Presentation by APD**

In response to inquiries from our Board about APD's strategies for connecting with the community, APD offered a detailed presentation about some of its latest initiatives.

- **Subpoena Power Overview – Presentation by OIR Group**

The ability of oversight groups to access confidential records and require officers to submit to questioning has been a longstanding basis for debate. Here, the Board learned about the history of this question as it pertains to Anaheim, where OIR Group's longstanding access has addressed some of the relevant concerns.

- **APD K-9 Program – Presentation by APD**

This presentation provided detailed information on APD's K-9 Program including K-9 selection, training, duties and capabilities, vehicles, and deployment guidelines.

RECOMMENDATIONS

One of the Board's key functions is to make formal recommendations to APD about new approaches to policing in the city. In this way, the Board brings a fresh perspective – and occasionally fresh challenges – to the Department's way of doing things. This year's recommendations arose from incidents and issues that we encountered during our regular monthly meetings. We identified several topics that interested or concerned us, asked for further information from knowledgeable sources within or outside APD, and reached consensus as a group about these

The Board recommends that the Police Department review and consider adopting the following recommendations:

- Timing of Interviews after Critical Incident

Throughout the year, the Board learned through specific examples and broader discussions about the investigative process that follows certain critical incidents. These matters are reviewed both criminally and administratively, and different rules apply to the respective categories. We were surprised to learn that days routinely pass between an APD shooting and the first interview of involved officers. In our view, it makes sense to have that statement occur much sooner, to reduce the chances that anything will interfere with the accuracy of the officer testimony.

In order to promote the integrity of investigations in the aftermath of a shooting or in-custody death, and in the absence of extraordinary circumstances (such as severe injury to the officer), the Department should ensure that a subject or witness officer provides an interview statement prior to the end of the relevant shift.

- Hiring/Assignment after an Officer-Involved Shooting

In a few of the shootings incidents we looked at this year, some of the involved officers had used deadly force in the past. Since the vast majority of officers never have even a single shooting, this statistic seemed significant. We understand the question is a complicated one, and that deadly force is a reality of policing. Still, we encourage the Department to assess this reality with more rigor in the future.

- When considering the applications of lateral hires to the agency, the Department should review prior deadly force incidents and take them into careful consideration before offering employment – particularly for individuals with more than one officer-involved shooting.***
- The Department should devise and implement a protocol for reviewing multiple shooting incidents involving the same officer, with an eye toward determining whether duty assignments should be adjusted to minimize risk of future deadly force events.***

RECOMMENDATIONS (CONTINUED)

- Intervention strategies during an unfolding incident

A dynamic that interested us this year is how multiple officers might react differently to unfolding events. We wondered about how – or how effectively – the Department prepares officers to speak up or otherwise shift the momentum of an encounter that is going poorly or appears to be breaking from policy and training.

OIR Group should evaluate the Department’s current policy and training on the “duty to intercede” when officers believe that incidents are unfolding problematically, and the Department should consider developing strategies as needed for increasing the ability of such officers to intercede safely and effectively.

- Contacts/Liaison with family members after critical incident

We recognize the lasting impact on family members and friends when a loved one has a fatal encounter with the police. We met several individuals who had experienced such a loss personally. Although there are no easy answers to many of the questions and criticisms we heard, we do think there are attainable ways for APD to communicate more effectively and compassionately in these situations.

The Department should evaluate and implement innovative strategies and contemporary best practices for facilitating timely communication with, and other compassionate measures (such as hospital visits) for, the immediate family members of individuals who have been critically injured or killed in a police encounter.

- Parking Enforcement

Parking is one of the “everyday” issues that affect large groups of our residents – sometimes creating hardships that affect low income neighborhoods and people to a disproportionate extent. Although we learned APD has limited authority over many of these questions, we still think this topic merits ongoing attention from both the Department and other city officials.

In light of the competing challenges involved with effective parking, zoning, and enforcement regulations, the Department and City should regularly evaluate potentially disparate impacts of enforcement and citation practices on densely populated neighborhoods and their residents.

RECOMMENDATIONS (CONTINUED)

- Records release policy (fees)

California's new police transparency laws were a large topic of our first year. As different jurisdictions get used to the new rules, they are taking varying approaches to the questions about whether and how to charge fees for parties requesting newly available records – including recordings that are very costly to properly review and prepare.

As the Department and City continues to adapt to new records release requirements under recent state law, they should waive costs for records production under SB 1421 when requested by the impacted individual or immediate family members.

- Community Engagement

In response to a request from the Board to learn more about APD initiatives in building community relations, we heard a presentation about an encouraging new program that reflects a priority we support.

The Department should reinforce its commitment to the new “Five Minute Engagement” program and look for ways to incentivize positive officer participation in this and other community engagement initiatives.

LOOKING FORWARD

As the Board moves into their second year, members will continue to advise and make police policy recommendations to the City Manager with support from OIR Group. In efforts to receive more input from the community, the Board is considering changing their meeting location every other month to visit various areas throughout the city. The Board will receive more informational presentations to learn more about APD which will help formulate policy recommendations and engage residents to partake in potential policy changes.

The following topics will be presented in the second year:

- Customer Service Training for APD Front Desk Personnel
- Understanding APD Annual Budget
- Gang Injunctions
- Officer Wellness
- Vehicle Pursuits
- Early Warning Systems
- Community-Based Policing
- Workload of Homicide Division

FOR MORE INFORMATION

To learn more about PRB, please visit Anaheim.net/PRB. The website will provide access to previous meeting agendas, presentations and minutes.

If you would like to contact PRB, please call (714) 765-5162 or email PRB@anaheim.net.

APPENDIX A – PRB BROCHURE

Join us

Meetings are held on the fourth Thursday of the month

6 p.m.

Gordon Hoyt Conference Center
Anaheim West Tower
201 S. Anaheim Blvd.


Anaheim.net/PRB

Contact us

Email:
PRB@Anaheim.net

Call:
(714) 765-5162

Anaheim Police Review Board



Anaheim.net/PRB

What we are

The Police Review Board is a police oversight board made up of Anaheim residents who advise and make policy recommendations to the city manager.

What we do

Receive

- Real-time input on major police incidents, access to officer-involved shooting scenes
- Private briefings on major incidents
- Community concerns and complaints

Review

- Anaheim Police Department responses to policy recommendations
- Current and proposed police policies

Report

- Statistics on officer-involved shootings, uses of force, complaints
- Recommendations via annual report

Who

						
Tim Webb At Large	Randy Brown District 1	Phillip Wolfgramm District 2	Diana VanKirk District 3	Ryan Wagner District 4	Leon Cisneros District 5	Mayra Gomez District 6

December 20, 2019

Since 2014, the Anaheim Police Department (APD) has welcomed and benefited from civilian oversight of its operations. The only agency in Orange County with civilian oversight, APD's commitment to innovation and transparency serves as a model in self-critical, progressive policing. Building on the groundbreaking work of the Public Safety Board, the current City of Anaheim oversight committee, the Police Review Board (PRB), was seated in 2018 and is the second iteration of civilian oversight in Anaheim. With similarities and certainly differences from its predecessor, the PRB has been diligent in its commitment to critical and holistic review of department operations as an additional layer with the purpose of further improving APD's capabilities in delivering the highest level of public safety service to the city's residents, businesses and 25 million annual visitors.

Since the inception of the civilian oversight component in Anaheim with the initial Public Safety Board examining both police and fire operations, the PRB recently produced the first [report](#) of its work summarizing its first year of service. The report included the following sections:

- Introduction of the board members;
- Introduction of the Office of Independent Review (OIR) and explanation of their role;
- Welcome message from the PRB;
- Overview of the PRB and its role;
- Mission Statement;
- Overview of PRB's role in the complaint process: specifically, hearing or receiving complaints from members of the public;
- Training: specific training the PRB has received along with a summary of their attendance at the National Association of Civilian Oversight of Law Enforcement (NACOLE) Conference;
- Discussion & description of PRB's participation on department hiring and promotional panels;
- Discussion & description of PRB's field response to critical incidents;
- PRB's role and activity related to community outreach;
- Overview of key department statistics including deadly force, use of force, complaints, internal administrative investigations;
- Areas of study: specific topics for which the PRB received more in-depth information via presentation from subject matter experts;
- Recommendations
- Looking forward: future topics of study for the PRB

With additional training, greater capabilities and expanded access, the PRB possesses a more robust ability to influence department direction than did the previous model. Further, with a seat on critical hiring and promotional panels, the PRB now has the ability to weigh in on those selected and those promoted within the ranks of APD. The department has made it a priority to be responsive to requests from the Office of the City Manager, and has provided relevant training,

presentations and input as requested. Further, APD has brought forward ideas and suggestions which have proven beneficial to the board members including hands-on use of force training and deadly force simulated training. In addition, APD has provided prompt and detailed debriefs of critical incidents to ensure the PRB is provided as much information as is possible without jeopardizing ongoing investigations.

Consistent with reports submitted by OIR examining critical incidents, internal affairs and other department operations, the department is using this document to formally respond to each of the recommendations presented by PRB in its annual report.

Recommendation 1: Timing of Interviews after Critical Incident

In order to promote the integrity of investigations in the aftermath of a shooting or in-custody death, and in the absence of extraordinary circumstances (such as severe injury to the officer), the Department should ensure that a subject or witness officer provides an interview statement prior to the end of the relevant shift.

In the interest of seeking an independent and neutral investigation to determine whether the actions of involved officer(s) during the application of deadly force were lawful, APD requests the Orange County District Attorney (OCDA) to conduct the criminal investigation of officer involved shootings and custodial deaths. Since the OCDA may not compel a statement from an involved officer, it is in the interest of both agencies that a voluntary statement be obtained in order to assemble the best and most comprehensive evidence of the event to determine its lawfulness. Consistent with the best practice guidelines adopted by the International Association of Chiefs of Police supported by academic research demonstrating that individuals have a more inclusive and accurate recall of a traumatic incident after a period of rest, APD does not object to the involved employee waiting to provide a voluntary statement to the OCDA.

While it would certainly be within the department's authority to compel an administrative statement from the involved personnel the date of the incident, it is the position of the department this practice would serve as a disincentive to the officers in providing a voluntary criminal statement to OCDA. Finally, it is important to note the department will compel a statement within seven (7) days of the incident, regardless of the status of the criminal investigation concurrently underway.

Recommendation 2: Hiring/Assignment after an Officer-Involved Shooting

a. When considering the applications of lateral hires to the agency, the Department should review prior deadly force incidents and take them into careful consideration before offering employment – particularly for individuals with more than one officer-involved shooting.

b. The Department should devise and implement a protocol for reviewing multiple shooting incidents involving the same officer, with an eye toward determining whether duty assignments should be adjusted to minimize risk of future deadly force events.

The hiring process for a police officer candidate, whether a new recruit or a lateral officer from another agency, is understandably and rightfully comprehensive. One of the most critical components of the process is the background investigation. Consisting of an in-depth examination of the candidates' past including but not limited to education, decision-making, acquaintances, driving history, military history, family history and work history, this provides a critical tool in assessing a candidate's readiness and compatibility for the position of police officer with the Anaheim Police Department. For lateral applicants, this "background" includes examinations of prior discipline, complaints, performance, use of force and any applications of deadly force.

As with all candidates, these reports are critically considered and when necessary additional investigative work is requested before anyone passes this phase of the process. Most importantly, uses of deadly force are tightly scrutinized in order to ensure the department does not make an ill-advised hire and inherit an officer not suitable to its exacting standards and to standards the community expects and demands.

Fortunately, APD is a destination department and therefore enjoys the enviable position of screening the best and brightest candidates. That being said, the PRB's recommendation on this critical topic is very much appreciated, and the department has reinforced with its Personnel unit the need for all relevant documentation related to prior deadly force be thoroughly examined before any candidate is moved on to final review by the Deputy Chief and ultimately the Chief of Police. APD has also heard from the PRB directly regarding their position on pre-hire screening; specifically as it relates to lateral officer candidates with prior uses of deadly force.

The second component of this recommendation involves incumbent officers involved in multiple applications of deadly force. Every officer-involved shooting is subject to not only comprehensive and critical investigation in terms of lawfulness and adherence to policy, but concurrent with these investigations the department considers the history of the involved officer. Prior to any officer returning to the field following an officer involved shooting, he or she must first be cleared for duty by an approved psychologist. Beyond that, the department's executive team confers prior to the return to duty to ensure the assignment is appropriate considering the circumstances of the incident and the officer's history. When warranted and as evidenced by APD practice, an officer may be reassigned temporarily or longer term. While adequate safeguards are in place, APD agrees with PRB's

recommendation to develop a protocol whereby there is greater consistency in this evaluative process.

Recommendation 3: Intervention strategies during an unfolding incident

OIR Group should evaluate the Department's current policy and training on the "duty to intercede" when officers believe that incidents are unfolding problematically, and the Department should consider developing strategies as needed for increasing the ability of such officers to intercede safely and effectively.

As clearly identified in recent administrative investigations, the department critically examines the actions of all officers in their investigative process. Regardless of the initial complaint, the department holds any officer accountable who fails to step in when decisions and/or actions are being taken by another employee which are contrary to APD's mission, are potentially unlawful or which undermine the delivery of professional service. PRB's recognition of this important tenet is appreciated and department policy and training will be evaluated and augmented to provide greater clarity as far as expectations. Therefore, APD strongly encourages that our policy and training regarding the "duty to intercede" be audited through a third party, such as OIR Group, or through a national police accreditation organization.

Recommendation 4: Contacts/Liaison with family members after critical incident

The Department should evaluate and implement innovative strategies and contemporary best practices for facilitating timely communication with, and other compassionate measures (such as hospital visits) for, the immediate family members of individuals who have been critically injured or killed in a police encounter.

Similar to Recommendation 3, the department had the opportunity to discuss this topic with both PRB and OIR. Following this helpful and thoughtful dialogue, the department began researching the best approach considerate of staffing issues and the sensitive nature of the interaction / liaison in question. While there will still be the need for APD's Investigative staff or that of the OCDA to communicate directly with family member(s), the department agrees with this recommendation and will be engaging the services of a third party provider specializing in human relations to better meet this critical need.

Recommendation 5: Parking Enforcement

In light of the competing challenges involved with effective parking, zoning, and enforcement regulations, the Department and City should regularly evaluate potentially disparate impacts of enforcement and citation practices on densely populated neighborhoods and their residents.

One of the fundamental functions of the police department and all city departments for that matter is to be responsive to problems and issues in the community. Unfortunately, there exists a shortage of parking throughout the city as there is throughout most cities in Orange County and Southern

California and that shortage often results in calls for service and complaints related to parking violations. With the understanding that these complaint driven calls go to the police department and other City departments, and must be responded to and hopefully resolved, APD agrees to work with the City to evaluate and find solutions to enhance parking across the city to minimize disparate impacts.

Recommendation 6: Records release policy (fees)

As the Department and City continues to adapt to new records release requirements under recent state law, they should waive costs for records production under SB 1421 when requested by the impacted individual or immediate family members.

As discussed during a public PRB meeting, City policy sets fees for services and records, and establishes what records are subject to fees consistent with California law. The department does not possess the authority to establish fees, and must be cognizant of unintended consequences of waiving fees in certain circumstances. The department continues, however, to confer regularly with City management and specifically the City Attorney's Office to ensure the current fee schedule comports with state and case law.

It is not the intention of the department to obstruct the receipt of relevant records. On the contrary, the department has assigned two (2) full-time positions as well as a contractor to fulfill the requirements of SB 1421. Many of the records subject to release pursuant to SB 1421 demand significant redaction and extraction to avoid releasing the identities and/or likenesses of minors, crime victims or others whose images or voice are captured via body worn camera or other electronic device. The personnel costs required for this redaction are absorbed by the department and have necessitated the redeployment of resources. For these and other reasons, requiring reasonable payment to offset some of these costs is necessary.

Recommendation 7: Community Engagement

The Department should reinforce its commitment to the new "Five Minute Engagement" program and look for ways to incentivize positive officer participation in this and other community engagement initiatives.

One of APD's core objectives, the engagement of the community it serves is an institutional priority. PRB's recognition of the importance of this commitment is well-taken and the department concurs with the recommendation to identify additional ways to incentivize and further engrain the philosophy throughout the organization.

**CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION**

**POLICIES AND PROCEDURES
Amended October 1, 2018**

I. PURPOSE AND SCOPE

To establish guidelines for the receipt and processing of allegations of sworn police employee misconduct, to supplement Article VII of the Commission's Bylaws governing the conduct of Commission meetings, and to provide guidelines for the evaluation of officer-involved death cases.

II. AMENDMENT

These Policies and Procedures may be amended by a majority vote of the Commission at a regularly scheduled Commission meeting where the item appears on the published agenda for discussion and / or action. Modified language will be drafted and agendized for adoption vote at the next Regular Meeting.

The Community, sworn police employees, and staff are urged to give their support, to the extent permitted by law, to ensure the effective implementation these Policies and Procedures.

III. DEFINITIONS

The following definitions shall apply to this policy:

- A. Commission:
Community Police Review Commission (CPRC)
- B. Police Department / Department
Riverside Police Department
(RPD)
- C. Complaint:
Allegation(s) of misconduct against a sworn employee of the Riverside Police Department.
- D. Complainant:
The person filing the complaint.
- E. Discrimination:
An act or omission made on the basis of race, religion, color, national origin, ancestry, age, disability, medical condition, marital status, sex or sexual

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orientation.

- F. Sexual Harassment:
Engaging in any act of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- G. Sworn Employee of the Riverside Police Department:
Any employee of the Riverside Police Department who is a sworn police officer.
- H. CPRC Manager:
The person hired by the City Manager to direct the Commission's Staff and offer guidance and training to Commissioners.
- I. Excessive Force:
Unreasonable force used by a sworn police officer of the Riverside Police Department against a person or persons.
- J. False Arrest:
Arrest made without probable cause that a crime has been committed and that the person in question has committed that crime.
- K. Independent Investigator:
The person(s) hired and retained by the Manager to receive, administer, and/or investigate, at the direction of the Commission, allegations of police misconduct.
- L. Misconduct:
An allegation against a sworn police officer of the Riverside Police Department, which if true, may constitute a violation of a law, rule or regulation.
- M. Probable Cause:
A condition where facts and circumstances known to the officer warrant a reasonable person to believe that the arrested person has committed a crime.
- N. Subject Officer:
A sworn police officer of the Riverside Police Department against whom a complaint is filed.
- O. Witness:
Any person who has information relevant to the complaint.
- P. Policy Recommendation:
Recommendation(s) made by the Commission to RPD regarding its Policies

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and Procedures.

Q. eComments

Public comments that are submitted via the online agenda until two (2) hours before a meeting's start time.

R. Officer-Involved Death (OID)

The death of any individual arising out of or in connection with actions of a sworn police officer.

S. Outreach

The Commission's efforts to attend community meetings and events, as well as those of the Riverside Police Department, for the purpose of promoting public confidence in the professionalism and accountability of sworn members of the Riverside Police Department, and for educating the public about its duties and functions.

IV. MEETINGS

These procedures supplement Article VII of the Commission's Bylaws governing the conduct of Commission meetings.

A. Regular Meetings

1. Regular Meetings shall be called in accordance with Article VII, Section 1, of the Commission's Bylaws. These meetings are held on the fourth Wednesday of the month, unless agreed upon in advance by the Commission. Regular Meetings are held to address all Commission business.
2. Commissioners' conduct should be professional with community members, Riverside Police Department representatives, and public officials during all Commission meetings.
3. Any item with a topic that is within the Commission's jurisdiction may be added to an agenda by any Commissioner or the Manager and does not require Commission approval. If, during a meeting, an item is requested for future Commission consideration, Commission discussion of that item must take place during the meeting for which it will be agendaized, not during the meeting in which the request was made (Brown Act).
4. A draft agenda, with detailed descriptions of the agenda items, will be made available to Commissioners for review at least five (5) business days prior to the agenda's formal posting.

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5. Agendas will include a separate "Public Comment" item.
6. Community members can address questions to any Commissioner during public sessions. The Commissioner can choose to answer any question he or she feels comfortable answering.
7. Staff will give Commissioners a copy of any eComments received. The eComments will also be placed in the "Documents for CPRC Meeting" binder for public review. If an agenda item has an eComment submitted, the Commission Chair will mention that when opening for public comment on that item. The eComment itself will not be read, but will be attached to the minutes.
8. Anyone wishing to speak on an agenda item must complete and submit a "Request to Speak" form located at the rear of the Council Chambers. The form should be submitted prior to the beginning of the meeting or no later than the time that the item is called for discussion.
9. General public comment is limited to three (3) minutes per speaker per each agenda item.
10. When a complaint case is agendized for Commission review, the Complainant's public comment regarding that case is limited to five (5) minutes and occurs prior to the Closed Session portion of the Case Review Meeting.
11. Public comment from family members of a decedent, or their spokesperson, is limited to five (5) minutes per speaker during discussion of an officer-involved death.
12. Members of the public may ask to speak either before or after discussion of an agenda item, but may only speak one (1) time on any agenda item. Public comment will not be permitted after an agenda item has been closed or a vote has been taken (Brown Act).
13. After a presentation by an invited guest speaker, any questions posed by members of the public during public comment may be asked of the presenter by the Commission Chair only.
14. On occasion, representatives of the media may request a comment on a particular case Commissioners are reviewing. When possible, comments to the press should be directed to the Manager. This will mitigate any conflicts of interest between the Commission, members of the community

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and the Riverside Police Department.

15. Unapproved minutes will be made available to Commissioners for their review at least 10 business days prior to the next Regular Meeting.

B. Special Meetings

1. Special Meetings may be called in accordance with Article VII, Section 2, of the Commission's Bylaws. These meetings are held on the second Wednesday of the month and are usually called to provide additional training requested by Commissioners, conduct officer-involved death (OID) case evaluations, or address other time-sensitive Commission business. When held, Special Meetings will be conducted as prescribed under Section A above.

V. COMPLAINT PROCESS

The Community Police Review Commission shall receive, review and investigate allegations of misconduct by sworn police officers of the Riverside Police Department regarding use of excessive force, discrimination or sexual harassment in respect to members of the public, the improper discharge of firearms, illegal search or seizure, false arrest, false reporting, criminal conduct or misconduct. When necessary, the Commission may conduct hearings and subpoena witnesses and records to facilitate the fact-finding process. The Commission shall make recommendations to the City Manager and Police Chief and develop appropriate procedures to implement this policy.

A. Complaints

1. Where and How to File:

Complaints of sworn police officer misconduct may be filed with the Community Police Review Commission or the Riverside Police Department, whether in-person, on-line or by telephone. Complaints of sworn officer misconduct will be reviewed by the Commission. (The CPRC only reviews cases filed within six-months of the incident).

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2. Time Element:

Only complaints filed within six months of the date of the alleged sworn police officer misconduct will be reviewed by the Commission.

3. Receiving and Forwarding:

Complaints of misconduct, received by the CPRC, the RPD, or any other agency so designated by the CPRC, and which have been investigated, shall be forwarded by the Manager to the Commission for review and disposition as soon as practical.

4. Complaint File:

The Commission shall maintain a confidential database of all complaints filed with the CPRC.

B. Review:

After the initial investigation and review by the Riverside Police Department, the Investigative File and its contents will be forwarded to the Manager for review. If the Manager determines that the investigation is incomplete, the case will be sent back to Internal Affairs with a written explanation. If the investigation is determined to be complete, the Manager will write a synopsis of the case and place the case on the next available agenda.

C. Investigations:

Investigation by the Commission may be conducted by the Manager or the Manager's designee. Assistance may be sought from Internal Affairs as appropriate in the judgment of the Manager or the Manager's designee.

D. Commissioner Notification:

Commissioners will be advised when the synopsis, prepared by the Manager, and the Investigative File are available electronically. The synopsis is **Confidential** and will be available to the Commissioners no later than five business days before the next scheduled Case Review Meeting. It is the Commissioner's responsibility to review the case file prior to the meeting when deliberations take place.

E. Complainant Notification:

When a complaint case is agendized for Commission review, Staff will advise the Complainant, in writing, of the date, time, and location of the Case Review Meeting. This gives the Complainant the opportunity to address the Commission regarding the case prior to the Closed Session portion of the Case Review Meeting.

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F. Deliberation:

Each case ready for review will be placed on the agenda of the next scheduled meeting. The case deliberations will occur in Closed Session. Upon review, the Commission may decide to send the case back to the RPD for further investigation, have an Independent Investigator conduct a further investigation, delay a decision to a future meeting, or submit a recommended finding to the City Manager.

G. CPRC Investigations:

1. All investigations conducted by the CPRC will be done through the Manager.
2. The Manager, or the Manager's designee, may interview the Complainant, Subject Officer(s), and Witness(es), and should collect all relevant information, including all documentation available relative to the investigation.
3. The investigation shall be conducted in a fair, ethical and objective manner. The Manager is an agent of the Commission and personal opinions shall not be contained in the report.
4. The Manager, or the Manager's designee, may take a statement from the Complainant, the Subject Officer(s), Witness(es), or any other person.

H. Preservation of Records / Evidence:

All files, documents, and related materials relating to a citizen complaint shall be kept and preserved for a period of five years after the complaint was filed with the CPRC, the RPD, or any other agency so designated by the CPRC, after which the case file will be destroyed pursuant to PC 832.5.

I. Investigation Timetable and Report:

All effort will be made by RPD to complete the Investigative Report within 120 days, pursuant to RPD Policy 1009. The CPRC Manager will coordinate with RPD to apprise the Commission of any delay.

The RPD Investigative Report should include the initial complaint and police report, if applicable, all evidence in the case including audio, video, photographs and statements provided by all parties involved in the incident. The CPRC Manager will provide a synopsis of the investigation and shall have available all materials relevant to the case for review by the Commission.

J. Commission Review and Findings:

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The complaint, with the stated allegations of police misconduct and the investigative data, shall be submitted to the Commission for its review. The Commission, in Closed Session, deliberates and determines an appropriate finding for each allegation. Its findings are forwarded to the City Manager for final disposition. The Commission may direct the Staff to reopen the investigation for additional information or evidence. The Manager, or the Manager's designee, shall be present to respond to questions from members of the Commission.

K. Hearings

1. Conducting the Hearing:

With five affirmative votes, the Commission may elect to hold a hearing. The full Commission will conduct this hearing. The Commission may request or subpoena the Complainant(s), Witness(es), and Subject Officer(s) to appear before it to answer questions or provide information.

The hearing shall be open to the extent permissible by law. The Commission shall follow an informal hearing procedure in conducting its investigation of individual complaints. Any witnesses shall be questioned by the Commission or Staff only. There shall be no cross-examination by sworn Police Department employees, citizen witnesses, the Complainant, or their respective counsel.

The Commission findings shall be referred to the City Manager for final disposition. The Complainant and Subject Officer shall be notified of the final disposition by the City Manager.

All records relating to the investigation pertinent to the complaint shall be made available to the Commission to the extent permissible by applicable federal, state, and local law, and applicable contractual agreements.

2. Subpoenas:

Subpoenas shall be issued by the Commission upon the affirmative vote of six Commissioners and shall be served by the Manager or Manager's designee.

L. Findings:

The Commission shall make its findings, which may include, but not be limited to, the following:

SUSTAINED – When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

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NOT SUSTAINED – When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

UNFOUNDED – When the investigation discloses that the alleged act(s) either did occur or did not involve RPD personnel

EXONERATED – When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and proper.

INCOMPLETE – A matter in which the complaining party wither refuses to cooperate or becomes unavailable after diligent follow-up investigation. Depending on the seriousness of the complaint and the availability of sufficient information, incomplete matters may be further investigated.

PREVIOUS ADMINISTRATIVE REVIEW – A matter in which the actions of the employee(s) have been determined to be in policy in a previous administrative investigation and no further information, or other justification for renewed examination, is provided or discovered beyond what was already known at the time of the Previous Administrative Review.

OTHER JUDICIAL REVIEW – The finding is intended to address complaints in which the matter has been handled or would most appropriately be handled, by a judicial authority having jurisdiction over the matter.

Example 1: A member of the public complains that an officer failed to interpret a child custody order in the same manner as the community member interpreted it.

Example 2: A motorist complains about a traffic citation and the only issue is the motorist's guilt or innocence for the violation. No other issue of employee behavior is raised.

Example 3: A person complains that they were convicted of a crime that they did not commit. Assuming that no new evidence is provided beyond what the defendant raised or had the opportunity raised in court, the appropriate finding would be Other Judicial Review.

FRIVOLOUS – Complaints that are totally and completely without merit, or which are made for the sole purpose of harassing a police employee may be classified with a finding of frivolous as defined in Section 128.5 of the California Code of Civil Procedure.

NOTE: If, in the course of its deliberations, the Commission finds that consideration should be addressed to policy, training, supervision, or other issues, the

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Commission may refer such suggestions or recommendations to the Police Chief and City Manager.

M. Distribution of Findings

The Commission shall send its findings to the City Manager and the Police Chief.

N. Confidentiality

1. Commissioner Limitation:

All matters shall be kept confidential as required by law. Commissioners shall refrain from issuing individual media statements and shall refer all statement requests to the Commission Manager.

2. Penalty for Violation:

Failure to comply with the legal requirement shall be grounds for removing a Commissioner from the Commission.

VI. OFFICER-INVOLVED DEATH (OID) CASE EVALUATIONS

The Community Police Review Commission shall review and investigate the death of any individual arising out of or in connection with the actions of a sworn police officer regardless of whether a complaint regarding such death has been filed. Upon receipt of the Criminal Casebook, all stages of the Commission's public review should be completed within nine months, or sooner, if practical.

Once an Officer-Involved Death (OID) incident occurs, RPD Command Staff notifies the CPRC Manager as soon as possible after the event. The Manager will then notify the Commissioners and the Commission's Independent Investigator, alerting them of the incident.

The Manager, with the Commission's Independent Investigator, will attend the Chiefs Briefing of the incident once it is scheduled by RPD Command Staff.

RPD Command Staff will then provide an oral briefing to the Commission at its next Regular Meeting after the incident, unless there is insufficient time to do so between the incident and the Regular Meeting. Pursuant to the City Charter, the Commission's Independent Investigator will begin the investigation of the incident once the incident scene is released by RPD. The Independent Investigator will visit the OID scene, contact witnesses or involved parties, and photograph or in some way document the scene. The investigator will complete an initial written report and provide those findings to the Commission.

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Upon completion of the Riverside District Attorney's review of RPD's investigation, RPO will notify the CPRC Manager when the redacted Criminal Casebook has been posted in Laserfiche. RPD will provide the CPRC Staff with a CD containing the redacted Criminal Casebook which will then be uploaded to the CPRC website. Once uploaded, the OID case will be placed on the agenda and the Commission will begin its public review of the case. The Independent Investigator's responsibility is to assess that RPD conducted a thorough investigation. Upon completion of the review, the Investigator will complete a final written report. The Investigator will also be available to the Commission for further questions once Commissioners begin their public review of the OID.

The Commission's goal is to complete the public evaluation of the OID within nine months after receiving the Criminal Casebook from RPD and consists of the following seven stages.

A. Stage I - Commissioner Review

1. Commissioners will review the OID investigation materials(s) after being notified by Staff that RPD has released the OID Criminal Casebook. Commissioners may review the casebook in Laserfiche or on the CPRC website.
2. The Manager will provide Commissioners with a Fact Sheet containing pertinent details.

Staff will also inform the Independent Investigator of the Criminal Casebook's availability to allow the Investigator to complete the investigation of the case. The Investigator will prepare a written report containing the investigative review, case evaluation, and expert opinion on the investigation conducted by RPD Homicide Detectives. The Commission's Independent Investigator may offer recommendations on any additional investigative work deemed important to aid the Commission in their assessment of the case. The Investigator will also provide the Commission with an oral presentation at a Commission meeting.

3. Commissioners and Staff will review the Criminal Casebook within 30 - 60 days after it has been provided to them.

B. Stage II - Fact Finding, Request for Training & Investigation

1. Commissioners identify and discuss important facts of the case at the first Regular Meeting 30 - 60 days after the Stage I review period expires. They have the opportunity to clarify relevant policies, practices and procedures and may request further investigation or training by an RPD Investigator,

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the RPD Training Lieutenant, the Commission's Independent Investigator or a subject matter expert.

2. The Manager will obtain requests for additional training and / or follow-up requests by Commissioners. The requested training and / or clarification of RPD Policies, Procedures, or Practice will be presented at the next Regular Meeting or, dependent on OID caseload, a Special Meeting. The Manager will provide a report to the Commission on the Investigator's work product, if this was requested.
3. Once the Commission has informed Staff that all factual questions have been answered and it is satisfied with supplied training or additional investigation, the Commission will close the fact finding, training, and additional investigation process by Commission consensus, or majority vote if necessary, and proceed to the next stage. The Commission should strive to complete this process within 60 days of receiving the Criminal Casebook from RPD.

The various aspects of Stage II will continue to occur until all factual questions have been answered, all means to gather that information have been exhausted, and requested training has been completed.

C. Stage III - Policies and Procedures Process

1. Commissioners and Staff identify and present all relevant RPD Policies and Procedures associated with the OID. Staff will also identify any other generally accepted law enforcement policies or procedures that may be applicable. The purpose is to identify areas that may give rise to Policy Recommendations.
2. Immediately upon receiving any Commission-approved education and / or training on policy, procedure, technical, or tactical issues, Commissioners will review all provided materials and prepare for further discussion. Commissioners will identify any new factual questions or issues raised through the review of policy, procedure, technical or tactical functions and, if necessary, request a follow-up response by the Independent Investigator.
3. The Manager will provide a follow-up report to the Commission on the Investigator's response to new factual questions that needed to be clarified or investigated.
4. The Commission will close the Stage III, Policies and Procedures Process by consensus or majority vote, if necessary. The Commission should strive to complete the Stage III, Policies and Procedures Process within 60 days

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of completing Stage I

D. Stage IV- Deliberation and Finding Process

1. Immediately upon completion of Stage III, Policies and Procedures Process, the Chair gives notice to the Commission that each Commissioner is responsible to develop a rationale for a finding on whether the Involved Officer's actions were consistent with RPD policy.

Commissioners are encouraged to be specific in reference to facts and policy as a basis for a potential finding. Every rationale should rely solely on the facts of the case, investigation, and training, and Commissioners should be prepared to discuss their rationales for their findings. Commissioners will submit completed rationales to the Manager.

2. The Chair will call for all Commissioners to publicly offer their rationales and findings as a starting point for discussion. Commissioner rationales will be used to construct the Commission's summarized findings in the Commission's OID Public Report.
3. Commissioners will commence discussion of rationales and findings upon conclusion of all of the above steps. Commissioners discuss whether one unified rationale is sufficient to cover Commission positions, views, and concerns. Commissioners with dissenting points of view, if any, will articulate and discuss their specific areas of concern by identifying and applying facts from Stage III and IV using RPD policies in existence at the time of the OID. They then analyze, through Commission discussion, whether actions taken by any Involved Officer leading up to or causing the OID was within RPD policy.
4. Any Commissioner may decide to submit a dissenting opinion regarding an OID. The name(s) of the author(s) of the dissenting opinion(s) will be clearly identified and included following the principal text in the final approved OID Public Report. The dissenting opinion(s) shall be included in its / their entirety without edits, unless such edits are approved by the author(s). An italicized statement will be added following the dissenting opinion, indicating, *"The dissenting opinion and analysis may not be cited as precedent related to the Commission."*
5. After all rationales have been discussed, a Commissioner makes a motion as to whether the actions taken by the Involved Officers leading up to or causing the OID, were within RPD policy. The Commission should strive to

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complete Stage IV, Deliberation and Finding Process, within 60 days of completing Stage III, Policies and Procedures Process.

6. The OID Public Report will be prepared based upon the input provided by Commissioners during discussions, deliberations, and the Commissioners' rationales and findings.

E. Stage V - Policy Recommendation Process

1. The Policy Recommendation Process commences immediately upon completion of Stage IV, Deliberation and Finding Process. The Chair gives notice to the Commission that any Commissioner who has identified possible recommendations to RPD policies, practices, tactics, training, or other areas is asked to provide such recommendations, or ideas for recommendations, to the Commission for consideration and discussion. The Staff prepares any recommendation documents based on the above guidelines and presents them to Commissioners for review and further discussion.
2. After presentation of any recommendations and subsequent discussion, if any, Commissioners will decide by general consensus or by majority vote, if necessary, whether to approve and submit the recommendations to RPD. The Commission should strive to complete the Stage V, Policy Recommendation Process within 30 days of completing the Stage IV, Deliberation and Finding Process.

F. Stage VI - Officer-Involved Death Case Public Report

1. Upon completion of the preceding stages, the Commission shall direct the Manager to write a draft of the OID Public Report containing information, rationales, and findings from all of the above stages. The Manager will draft the report and distribute the completed draft to the Commissioners prior to the next Regular Meeting. Once Commissioners have addressed any changes and potential inclusion of dissenting opinions, the Manager will modify the draft and distribute to Commissioners for their final review.
2. At the next Regular Meeting, the Chair calls for final discussion and a majority vote of approval of the Commission's OID Public Report.

G. Stage VII - Administrative Review

1. Once the Public Review of an OID is complete, and the final OID Public Report is posted on the CPRC website, the Commission is ready to begin the Administrative Case Review conducted in Closed Session.

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2. The Manager will inform RPD Internal Affairs that the Public Review of an OID is complete and will request that the Administrative Casebook and unredacted Criminal Casebook be placed on Laserfiche. Once there, Commissioners will have access to both casebooks and will begin the Administrative Review. When the Commission is prepared to conduct the Closed Session Administrative Review, the case will be placed on the Case Review agenda.
3. To begin the Administrative Review, the Chair will open discussions in Closed Session. Although a finding or findings "Within Policy" or "Not Within Policy" have been previously rendered in the Public Review, Commissioners will be tasked with rendering a separate Administrative Finding. This new finding is based upon a full review of previously unseen administrative and unredacted information. This new Administrative Finding need not match the Public Finding.

Upon a majority vote, Commissioners may consider and recommend an addition or revision to the RPD Policy Manual. If a recommendation for a policy revision and / or training is made, Commissioners will draft the language and vote to finalize it.

4. The CPRC Manager will meet with the City Manager to review the case. Once the case has been reviewed, the findings of the Police Department and the Commission will be discussed. The final decision will be determined by the City Manager and provided to the Chief of Police and the Involved Officers.

If a Policy Recommendation has been approved by the Commission, the Manager will prepare a memorandum to the Chief of Police. The Chief of Police will review the recommendation and decide to adopt, modify, or decline the Policy Recommendation. The CPRC Manager will ensure a written or oral response is obtained from the Chief of Police.

5. No portion of the Administrative Review may be discussed outside of Closed Session. Administrative Findings and Recommendations may not be discussed in later Public Sessions.

VII. POLICY RECOMMENDATIONS

- A. In accordance with Section 810 of the Riverside City Charter, the Commission can make recommendations to the RPD regarding its Policies

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and Procedures.

- B. A Policy Recommendation can be proposed by any Commissioner and can result from complaint case review, officer-involved death case evaluations, or knowledge obtained in any other manner.
- C. A proposed Policy Recommendation will be agendaized for Commission discussion and vote.
- D. Upon Commission approval of a proposed Policy Recommendation, it will be signed by the Commission Chair, after which the CPRC Manager will forward the document, with cover memo, to the Chief of Police.
- E. The CPRC Manager will ensure a written or oral response is obtained from the Chief of Police within 90 days.

VIII. ELECTIONS OF CPRC CHAIR AND VICE-CHAIR

- A. City Charter and Brown Act Requirements
 - 1. In accordance with Section 804 of the Riverside City Charter, elections for the Commission's presiding officers shall take place during the first meeting after the last day of February each year.
 - 2. The Brown Act prohibits members of a board or commission from using e-mail to discuss, deliberate or otherwise address any issue within the subject matter jurisdiction of the body. It is legally irrelevant whether or not a collective concurrence is reached outside of a properly noticed meeting. The mere act of e-mailing a quorum in an attempt to influence is a violation of the law.

Consequently, all discussions relative to officer elections, including nominations and the vote for Chair and Vice-Chair, must occur as part of the formal meeting agenda.
- B. Eligibility to Serve
 - 1. Commissioners wishing to serve as Chair or Vice-Chair may do so unless they have already served two consecutive terms in the office they currently hold.
 - 2. In accordance with Article V, Section 5, of the Commission's Bylaws, Commissioners elected as Chair and Vice-Chair serve in these positions for

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a one-year term and may serve no more than two consecutive terms in the same office.

C. Nomination Process

1. Commissioners interested in serving as Chair or Vice-Chair can inform the Commission of their interest or can nominate a fellow Commissioner during either of the meetings noted below. Those who are nominated by a fellow Commissioner must accept or decline the nomination.
2. Nominations for Chair and Vice-Chair may be made during the February Regular Meeting.
3. Nominations for Chair and Vice-Chair may also be made during the first meeting in March when the elections takeplace.

D. Notification and Election Process

1. Each year, in preparation for the annual elections, the January Regular Meeting agenda will contain an item to notify Commissioners of the elections that will take place during the first meeting in March. There will be no nominations during the January meeting.
2. Each year, the February Regular Meeting agenda will contain an item regarding nominations for Chair and Vice-Chair.
3. Each year, Item 2 on the agenda for the first meeting in March will be for the elections of the Chair and Vice-Chair. During this meeting, the candidates may speak about their qualifications for the office they are seeking.
4. When all discussion has been completed, the Commission's Administrative Assistant will call for the vote for the offices of Chair and Vice-Chair.
5. The nominees receiving a majority affirmative vote of those Commissioners present will be elected.

IX. OUTREACH

A. Riverside Municipal Code Requirements

1. In accordance with Ordinance 6516, Chapter 2.76 of the Riverside Municipal Code, the Commission is tasked with ensuring good relations

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between those who enforce the laws and the Riverside populace they serve so that the public will take pride in local law enforcement and those that enforce the laws will take pride in their service to the public.

B. Community Police Review Commission Efforts

1. In an effort to enhance community cohesiveness and communication between Riverside citizens and sworn members of the Riverside Police Department, it is strongly encouraged that all Commissioners participate in Outreach events throughout their years of service.
2. Outreach efforts can be originated by a Commissioner or the entire Commission or may be conducted in response to a request by citizens, community leaders, and members of City government or Riverside Police Department. At Outreach events, Commissioners should accept comments regarding the quality of RPD and CPRC.
3. Examples of Outreach events can include Mayor's Night Out, National Night Out, cultural events, neighborhood meetings and events, youth and senior events, veterans' events, police department ride-alongs and roll call presentations and citizen one-on-one conversations.
4. Each Commissioner shall as part of his or her duty as a CPRC Commissioner participate in at least two CPRC presentations each year, and return any completed self-assessment project surveys to the CPRC Admin within one month of the presentation.

C. Media Requests

1. All media inquiries shall be directed to the Commission Manager, who will notify the Commission Chair. Requests for a Commission statement shall be answered only by the Commission Chair or the Commission Manager upon agreement between these two individuals.
2. Prior to issuing a statement to the media, the Commission Manager shall seek input from the individual Commissioners and, when necessary, the RPD. Commissioners should refrain from issuing individual media statements on items related to Commission business, and, instead, should route comments to the Commission Chair or the Commission Manager to be considered as part of the official Commission statement.
3. Commissioners and the Manager are prohibited from making any comments to the media in regard to closed session confidential cases or personnel matters.

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4. Inquiries seeking only publicly available or procedural information may be answered by CPRC staff directly.

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COMMUNITY POLICE REVIEW COMMISSION**

CHRONOLOGY OF AMENDMENTS AND ADOPTIONS

Original Adoption: July 30, 2001

Amended: April 22, 2009

Amended: November 18, 2009

Amended: October 24, 2012

Amended: August 26, 2015

Amended: February 22, 2017

Amended: August 23, 2017

Amended: December 13, 2017

Amended: October 1, 2018

Respectfully Submitted,

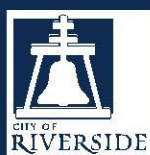


Robin Jackson, Chair
Community Police Review Commission

October 24, 2018

Date

CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION
2019 ANNUAL REPORT



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COMMISSION MEMBERS AS PICTURED ON COVER:

Front Row (Left to Right)

Norma Berrellez, Artemese Evans, David “Abel” Huerta, Gregory Smith

Back Row (Left to Right)

Isaac Hiraes, Phil DeBrier, Joseph Ortiz, Michael Levine

Not Pictured

Eileen Teichert



MISSION

The mission of the Community Police Review Commission is to promote public confidence in the professionalism and accountability of the sworn staff of the Riverside Police Department (RPD). The CPRC accomplishes this mission by conducting an independent review of officer-involved death (OID) cases and citizen complaints. The CPRC or the CPRC Manager may request independent investigation services to obtain further information about OIDs or complaints. The CPRC may recommend changes in RPD policy and maintains community relationships through continuous public outreach efforts.

PURPOSE

The Mayor and City Council nominate and appoint all nine Commissioners of the CPRC. In order to fairly represent the City, that membership is distributed among all wards of the City. Commissioners serve four-year terms and may only serve two terms for a total of eight years. By ensuring an independent and thorough review of all OID and complaint cases brought before the Commission, the CPRC is able to advise the Mayor and City Council on all police and community relations issues. Case review findings and suggestions are also shared with the City Manager and Police Chief.

Although ensuring the Mayor and those mentioned above stay informed, the CPRC strives to make the greatest impact while serving the citizens of Riverside. The CPRC is tasked with ensuring good relations between the Riverside Police Officers and the community they serve. The Commission's efforts serve to increase public trust in the Riverside Police Department. It seeks to provide the public with the assurance that any allegations of misconduct lodged against a sworn officer will be fairly and thoroughly reviewed.

Through public outreach efforts, the CPRC provides a forum whereby community members can express their opinions and seek answers about the Police Department. Complaints, concerns or suggestions can immediately be shared with the Police Chief and appropriate staff thereby improving the quality of service provided by the Police Department. In addition, the CPRC educates the public on the purpose of the Commission.



MESSAGE FROM THE CHAIR, JOSEPH ORTIZ

"EVERYBODY CAN BE GREAT, BECAUSE EVERYBODY CAN SERVE."
- REV. MARTIN LUTHER KING, JR.

I have been privileged to serve on the City of Riverside's Community Police Review Commission (CPRC) for the last eight years. This year will be my last year, and I am especially proud to have had the privilege to serve as Chair.

This year we had a significant changing of the guard, and the CPRC is excited to see such qualified new Commissioners fill our ranks: At the beginning of the year, the CPRC swore in Norma Berrellez (Ward 6), Phil DeBrier (Ward 4), Michael Levine (Citywide), and Eileen Teichert (Citywide). Just before the end of the year, Isaac Hiraes joined us representing Ward 1. Each brings a fresh perspective and a passion for public service. I would like to thank the City Council for their thoughtful selection of truly well-qualified individuals. These new Commissioner benefited from the Commissioner Handbook and the training that was developed by the CPRC the preceding year, and they are already providing valuable insight and analysis.

I have often told friends and community members that the City of Riverside is blessed to have civilian oversight, and we are double blessed to have such dedicated Commissioners serving our great City. The CPRC continues to excel in outreach under the leadership of Outreach Committee Chair Greg Smith. Kudos to Commissioner Smith and Commissioner Artemese Evans for their tireless work. The CPRC continues to reach our most at-risk communities to inform and educate. Brochures, in both English and Spanish, are regularly available at community centers and libraries throughout

the City. Each Commissioner has committed to provide presentations and direct outreach at neighborhood and community meetings, and our social media presence continues to grow. Information on the CPRC is also regularly provided by infographic distributed by council newsletter, as well as on electric signs within the City.

Of course, the CPRC has also been hard at work providing civilian oversight. As the Council is aware, the CPRC reviews all matters that relate to an officer-involved death. We recently completed our review of the actions of the officers who handled the tragedy at Castlevue Elementary School in October of 2017, and we were pleased to report that our review concluded that the officers' actions were within policy. This year we also reviewed 49 allegations of performance deficiencies; 18 allegations of discourtesy; 14 allegations of exceeding lawful peace powers; 12 allegations of general misconduct; 8 allegations of failure to take reasonable action; and 6 allegations of discrimination. As you can see, the CPRC puts in work.

I am a proud member of the CPRC, and I am very thankful to my dedicated and thoughtful colleagues and support staff. The CPRC may have been born out of controversy, but I truly believe we continue to meet our mission: "To promote public confidence in the professionalism and accountability of the sworn staff of the Riverside Police Department."

COMPLAINT CASE REVIEW

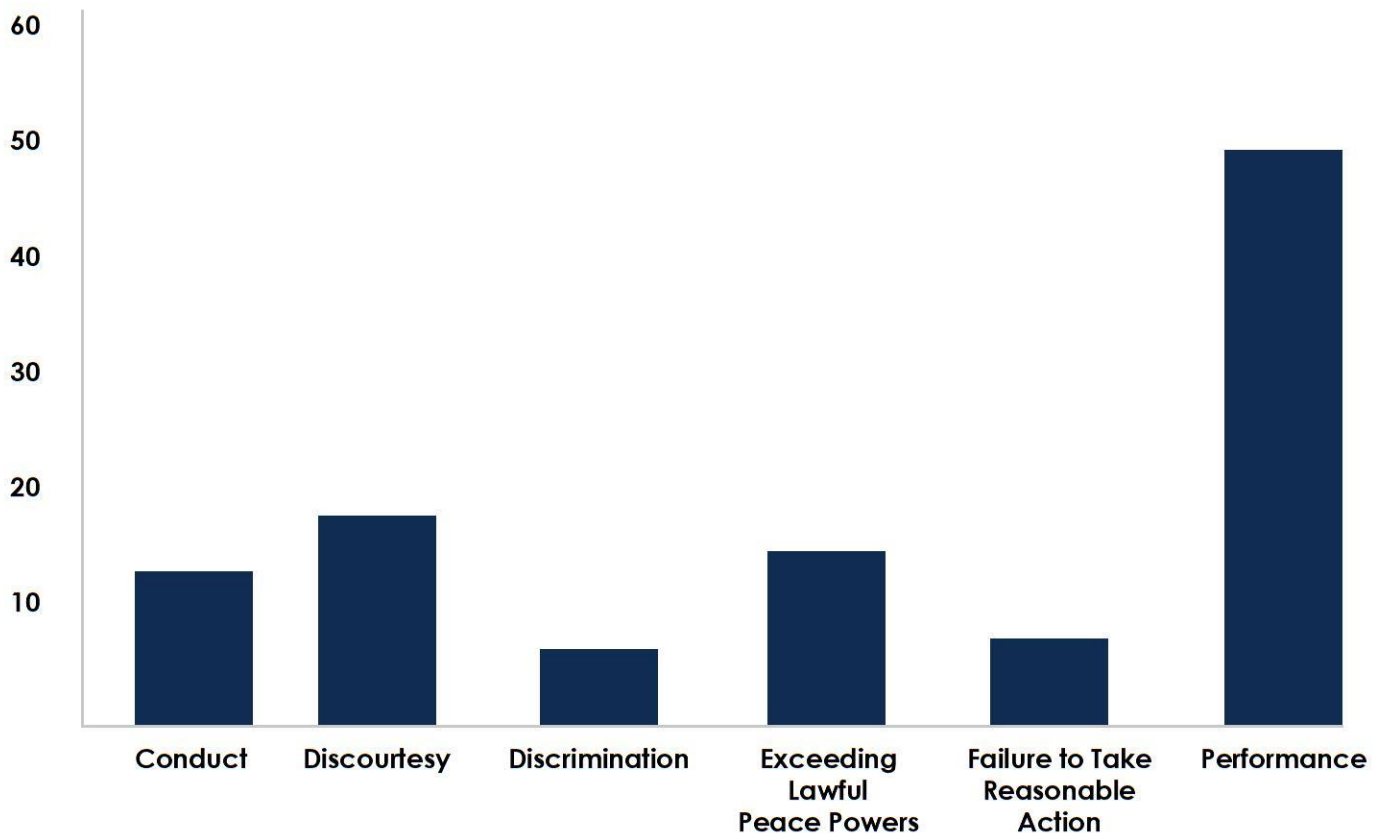
In 2019, the Commission reviewed and closed a total of 29 complaint cases containing 107 allegations. At years end, there were a total of 8 cases remaining for the Commission's review.

"Reviewed" refers to the cases for which the Commission received the investigation case files and made findings in Closed Session review.

Below, **Figure 1** identifies the cases reviewed in 2019 vs. the cases remaining for the Commission's review by the end of 2019.



Figure 2 illustrates the 107 allegations logged from the 29 cases reviewed by the Commission.



2019 COMPLAINT COMPARISON FINDINGS RPD VS. CPRC VS. CMO

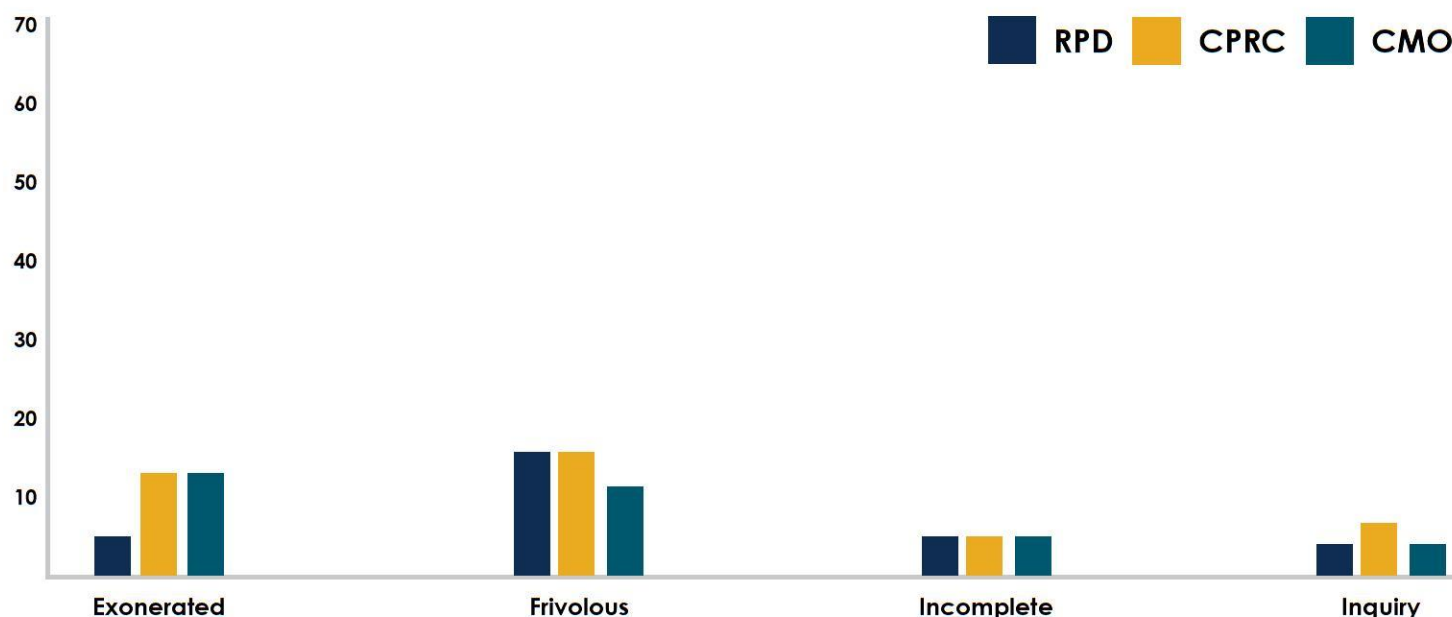


Figure 3 provides data comparing the complaint case findings of the 107 allegations reviewed by the Riverside Police Department (RPD), Community Police Review Commission (CPRC) and the City Manager's Office (CMO). Each of the three entities independently reach findings on allegations.

FINDINGS AND DISPOSITIONS OF PERSONNEL COMPLAINTS:

Sustained: When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Not Sustained: When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

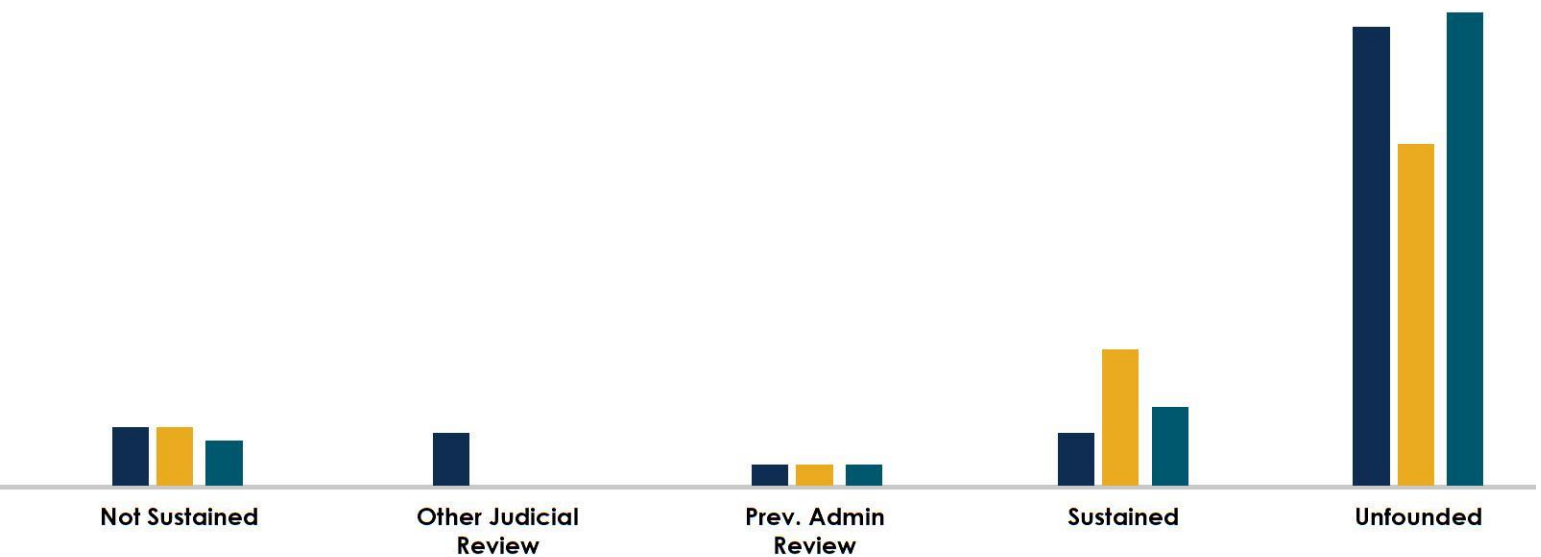
Unfounded: When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel.

Exonerated: When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Incomplete: A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor and the Internal Affairs Bureau, such matters need not be documented as personnel complaints, but may be further investigated, depending on the seriousness of the complaint and the availability of sufficient information.

FINDINGS COMPARISON

FIGURE 3



Previous Administrative Review: A matter in which the actions of the employee(s) have been determined to be within policy in a previous Supervisor Administrative Review or other administrative investigation. If no further information is provided or discovered, beyond the facts already known at the time of the Previous Administrative Review, the Department supervisor, with approval of his or her commanding officer and the Internal Affairs Lieutenant, may classify the allegation with a finding of Previous Administrative Review.

Inquiry: If an uninvolved supervisor determines that a citizen is merely requesting clarification of a policy or procedure, or the alleged misconduct or improper job performance, even if true, would not constitute a violation of law or Department policy or procedure, the supervisor, with approval of his or her commanding officer and the Internal Affairs Lieutenant, may classify the matter as an inquiry and need not take a complaint.

Other Judicial Review: This classification is intended to address two types of complaints:

- Civil Matters
- Court Proceedings

Frivolous: Complaints that are totally and completely without merit, or which are made for the sole purpose of harassing a police employee may be classified with a finding of Frivolous as approved by the Internal Affairs Lieutenant or a chief officer.



OFFICER-INVOLVED DEATH(S) (OID)

The Riverside City Charter defines the ability of the Community Police Review Commission to review and investigate officer-involved deaths. Charter Section 810, empowers the Commission “to review and investigate the death of any individual arising out of or in connection with actions of a sworn police officer, regardless of whether a complaint regarding such death has been filed.”

Immediately upon the death of a person arising out of or in connection with the actions of a sworn police officer, a criminal investigation commences. The Riverside Police Department (RPD) conducts the criminal investigation, which includes gathering physical evidence, obtaining statements from involved parties and witnesses, and gathering reports from all involved officers.

Information regarding OID cases can be found on the Commission's website below:
RiversideCA.gov/CPRC

In 2019, the Commission evaluated three (3) officer-involved death cases. At year's end, there were three (3) cases pending review.

COMMISSION OUTREACH

The Commission continues to maintain its Mission and Purpose and strives of ongoing outreach with the Community. The Commission's objective is to promote harmony, trust, and confidence between the residents of Riverside and the Riverside Police Department. Commissioners and Staff continue to attend a wide range of meetings and events in efforts to enhance community cohesiveness and communication between the citizens of Riverside and the sworn police personnel serving the public.

The Commission's 2019 outreach activities included, but not limited to:

Annual Events

- State of the City
- Eastside Reconciliation Coalition
- RPC Annual Awards Dinner
- The Group Meetings
- Latino Network Meeting
- Dollars for Scholars
- Riverside Sunrise Rotary
- Riverside Police Departments Promotion & Awards Ceremony
- RPD Ride-Along
- City of Riverside Parks Recreation White Park, La Sierra, and Janet Goeske Senior Centers Outreach
- RRR Riverside Recovery Resources
- Dollar for Scholars Awards Event
- RCC Class presentations
- National Night Out - RPD
- Chiefs Breakfast
- Riverside Police Department New Hire Orientations
- Path of Life
- Saint Thomas Church
- Blue Light Ceremony
- Los Padres Enidos at Norte Vista High School (Need confirm spelling with Commissioner Birrellas)
- Riverside Neighborhood Partnership
- Riverside Chambers of Commerce
- True Evolution LGBTQ
- Grove Community Church Outreach
- Hero's Beer Release Benefit

TRAINING, SEMINARS & CONFERENCES

Training presentations are generally conducted during the open session of the Commission's Regular Meetings and the public is encouraged to attend. Commissioners also attend training classes and seminars outside Regular Meeting training presentations. The following list includes, but is not limited to, training presentations, seminars and/or conferences that the Commission and/or Commissioner(s) took part during 2019:

- Terrorism Liaison Officer Information Network
- FBI Citizens Academy
- San Diego Police Department Subpoena Symposium



CPRC 2019 OUTREACH AD HOC COMMITTEE



Artemese Evans - **Vice-Chair**
Gregory Smith - **Chair**
Norma Berrellez

COMMISSION MEMBERS

Joseph “Joe” Ortiz, CPRC Chair, Ward 3

Joseph Ortiz is a Ward 3 resident, a local employment attorney, and a community activist. Mr. Ortiz received his undergraduate degree at University of California, Los Angeles, and his legal education at University of Minnesota School of Law. Professionally, he is a partner with the law firm of Best Best & Krieger LLP. He is a councilmember for California's Fair Employment and Housing Council. He served as Chair of the Greater Riverside Chambers of Commerce for the 2018-2019 year and is active with that organization. Mr. Ortiz is committed to local community causes, including Riverside Legal Aid, Greater Riverside Dollars for Scholars, and Riverside Sunrise Rotary, to name a few. He is married to Julia and has three young children. Term Expires in March 2020.

Artemese Evans, CPRC Vice Chair, Ward 5

Artemese Evans is a native to Riverside who pursued both her undergraduate and MBA at the University of Redlands. Artemese is currently a Labor Representative in her 11-year career with the Riverside Sheriffs' Association. In 2020, Artemese received her Senior Professional in Human Resources (SPHR) certification to enhance her knowledge in employee leaves, grievances, and other employment issues. Her other contributions to organizations in Riverside include her position as Board Apprentice for the Mission Inn Foundation (2014-2015), Co-Chair for the 38th Annual Mission Inn Run in 2015 and membership with Riverside's Pick Group for Young Professionals since 2008. As part of the Pick Group, she has served on Professional Development Committee, the Membership Committee and as Secretary of the Board from November 2013 to March 2016. In 2014, she completed the Pick Group's Board Development Training Program. Term Expires in March 2020.

Isaac Hiraes, Ward 1

Isaac Hiraes is a newly appointed Commissioner to represent Ward 1 and has resided in Riverside for the last 25 years. Mr. Hiraes has many years of experience working in education in both correctional facilities and local school districts and is currently a Principal for Bassett Unified School District. He received his undergraduate degree in Liberal Studies from California Baptist University and holds a master's degree in Education Administration from California State University, San Bernardino. He has a vested interest in civic involvement and has worked with community stakeholders in a professional setting for many years. His current term expires March 2023.

Gregory “Greg” Smith, Ward 2

Gregory Smith is a near life-long Riverside resident, with a bachelor's degree from UC Riverside in 1987, double major in Computer Science and Business Economics. He is also a 2014 graduate of the Regional Leadership Academy of the Inland Empire Economic Partnership. Greg works in the technology industry as the U.S. Southwest Region Manager for Rohde & Schwarz, one of the world's leading manufacturers of radio frequency test & measurement equipment. Previously, Greg held roles which include Vice President of Sales for RADX Technologies, and Southern California Sales Manager for National Instruments. Greg prides himself on being approachable, on keeping an open mind, and being proactive with respect to all issues. He is fully committed to the success, the evolution, and the growth of Riverside and the Inland Empire as a whole. 2nd Term Expires in March 2021.

Phil DeBrier, Ward 4

Phil has been a resident of Riverside for 40 years and is currently residing in Ward 4. A graduate of Norte Vista High School, he and his wife of 34 years Lisa, raised their family here and are active members in the community. Phil currently works as an independent insurance agent and financial advisor, in addition to remaining involved in his community by volunteering at his church and for the Bob Hope USO. Phil was appointed in early 2019 to complete the current Ward 4 term, which expires in March 2021. His goal is to continue to support the mission of the Commission, representing the citizens of the community, and to continue to be an impartial, objective voice in the review of issues that are brought before the panel.

Norma Berrellez, Ward 6

Norma Berrellez is a Ward 6 Riverside resident for 36 years. Born and raised in Tucson, Arizona where she began her law enforcement career with the Tucson Police Department and U.S. Marshals Service. Ms. Berrellez then relocated to California where she worked as a Personnel Manager for Disneyland and decided to pursue her teaching career. During this tenure she was employed by the Corona-Norco Unified School District as a secondary teacher, coordinator, and Site Administrator, retired in July 2016. She holds a Bachelor of Science in Business Administration from the University of Arizona, a Masters of Arts in Education from the University of Phoenix, Teaching and Administrative Credentials from Chapman University. On her leisure time Norma serves as a Eucharistic Minister at her church and spends quality time with her one daughter who is a School Administrator.

David “Abel” Huerta, Ward 7

David “Abel” Huerta, a Ward 7 resident, is a lifelong resident of Riverside. He has over 13 years' experience in law enforcement serving as a Reserve Police Officer then transitioning to a full time Police Officer within Riverside County. Utilizing his Paramedic Certification, Teaching Credential and his Law Enforcement experience, he continued as an adjunct instructor at the Ben Clark Public Safety Training Center. He became the first instructor in the Inland Empire to provide training on terrorism courses involving nuclear, biological and chemical weapons of mass destruction. Sponsored by the Department of Justice, the program was the foundation for the National Homeland Security organization. He later became the Corporate Safety Director for Dynamic Plumbing where he authored Health and Safety Training Programs in Construction and General Industry Safety under Federal and State OSHA Standards. Term expires in March 2020.

Michael Levine, Citywide

Mike Levine is a Ward 4 residence. He has over 20 years Law Enforcement experience and served the last 13 years as a Law Enforcement Chief. In 2014, he was awarded the Tribal Police Chief of the year award for the nation. He retired from full time Law Enforcement January 2018. He served as a Police Commissioner for the City of Desert Hot Springs for approximately 5 years. He provided training for schools from K-12 for active shooter awareness. He is currently and has been working with the Riverside and San Bernardino County's Domestic Violence Sub-Committee.

Eileen Teichert, Citywide

Eileen Teichert has resided in Ward 4 for over 13 years. For more than eight years, she worked in the City of Riverside's City Attorney's office as legal advisor to the Riverside Public Utilities Department and Board of Public Utilities. She then relocated to the Sacramento area to serve as the Sacramento City Attorney, before returning to Riverside in 2012 and beginning her employment as General Counsel at San Bernardino County Transportation Authority (SBCTA). Eileen received her Juris Doctor from University of LaVerne College of Law and her Bachelor of Science in Journalism from the University of Oregon. She is also a current member of both the American Bar Association and the California State Bar Association. Her term will expire March 2023.



CIT
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Y OF RIVERSIDE

COMMUNITY

REVIEW

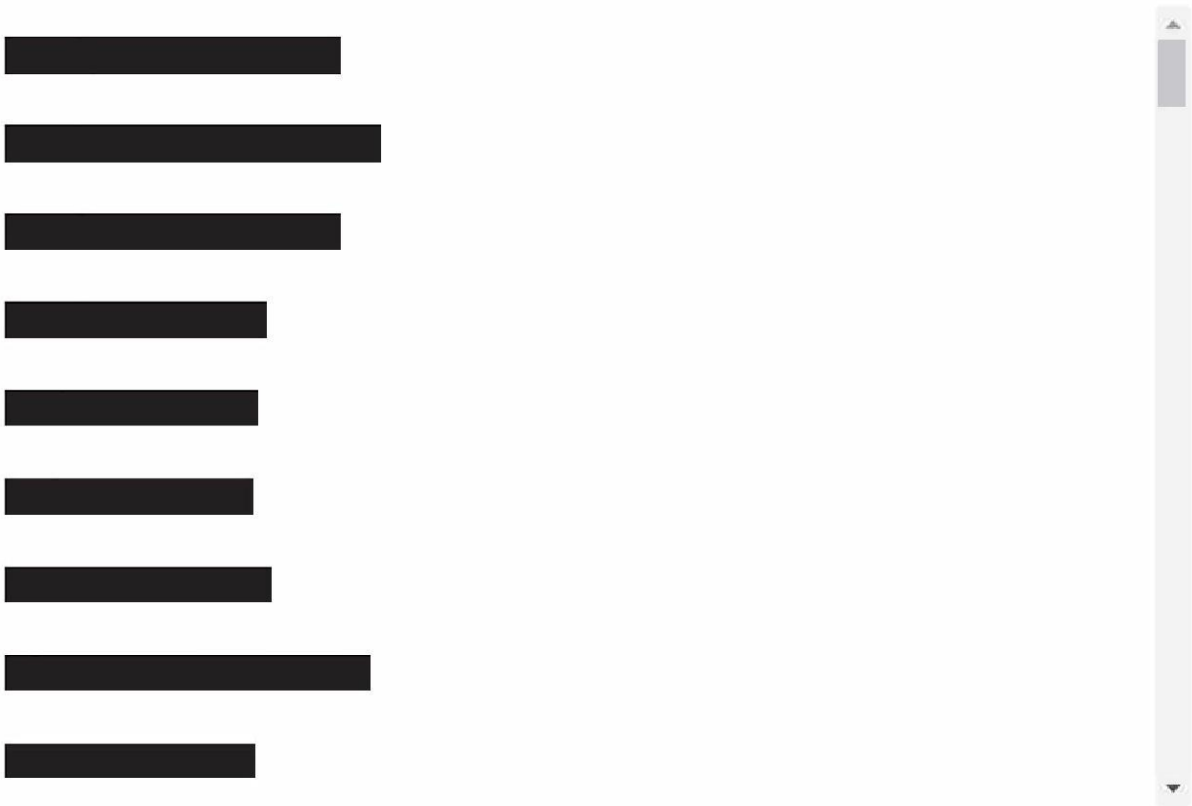
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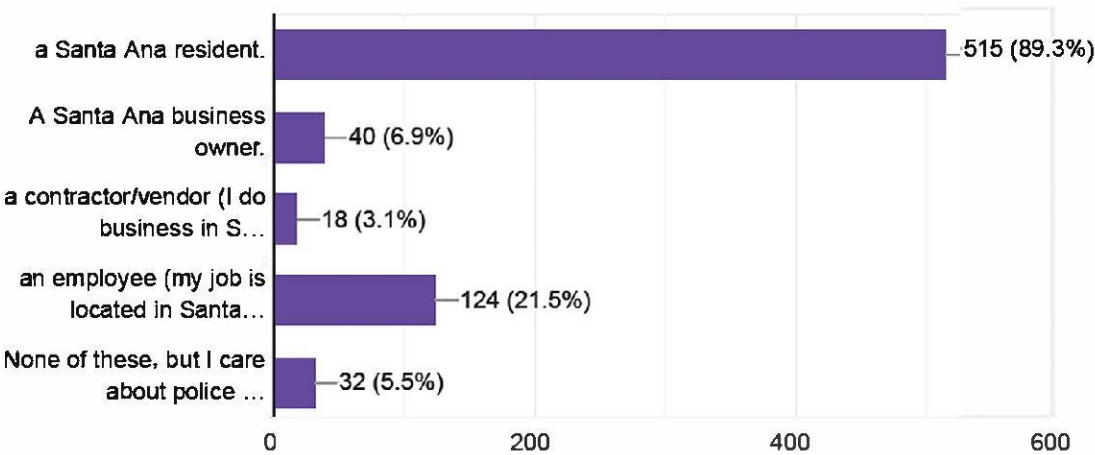
Email Address

577 responses



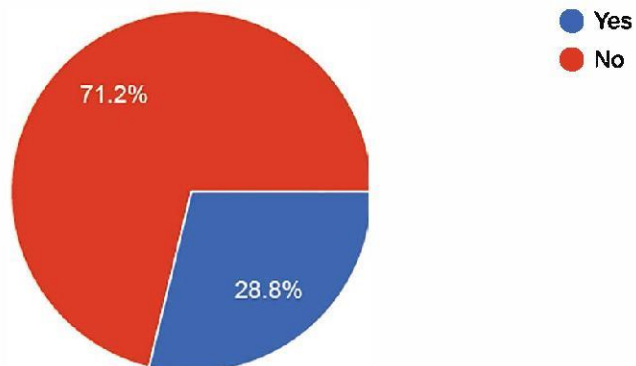
I am...

577 responses



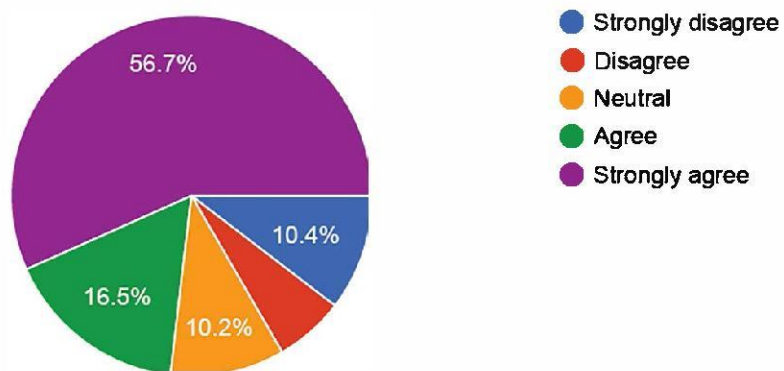
Do you know how to file a citizen complaint with the Santa Ana Police Department alleging police misconduct?

577 responses



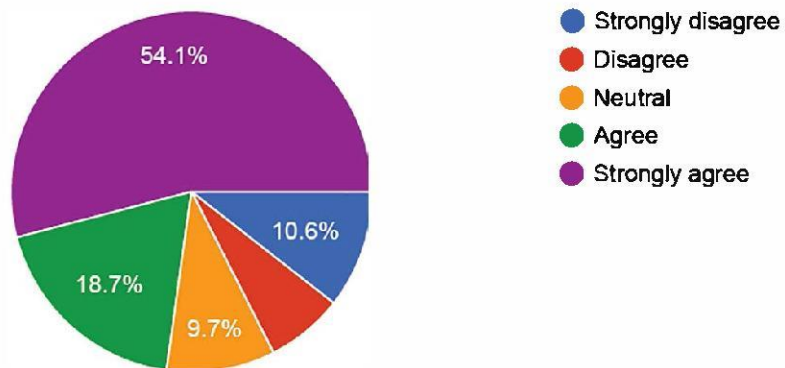
Police oversight is needed in Santa Ana.

577 responses



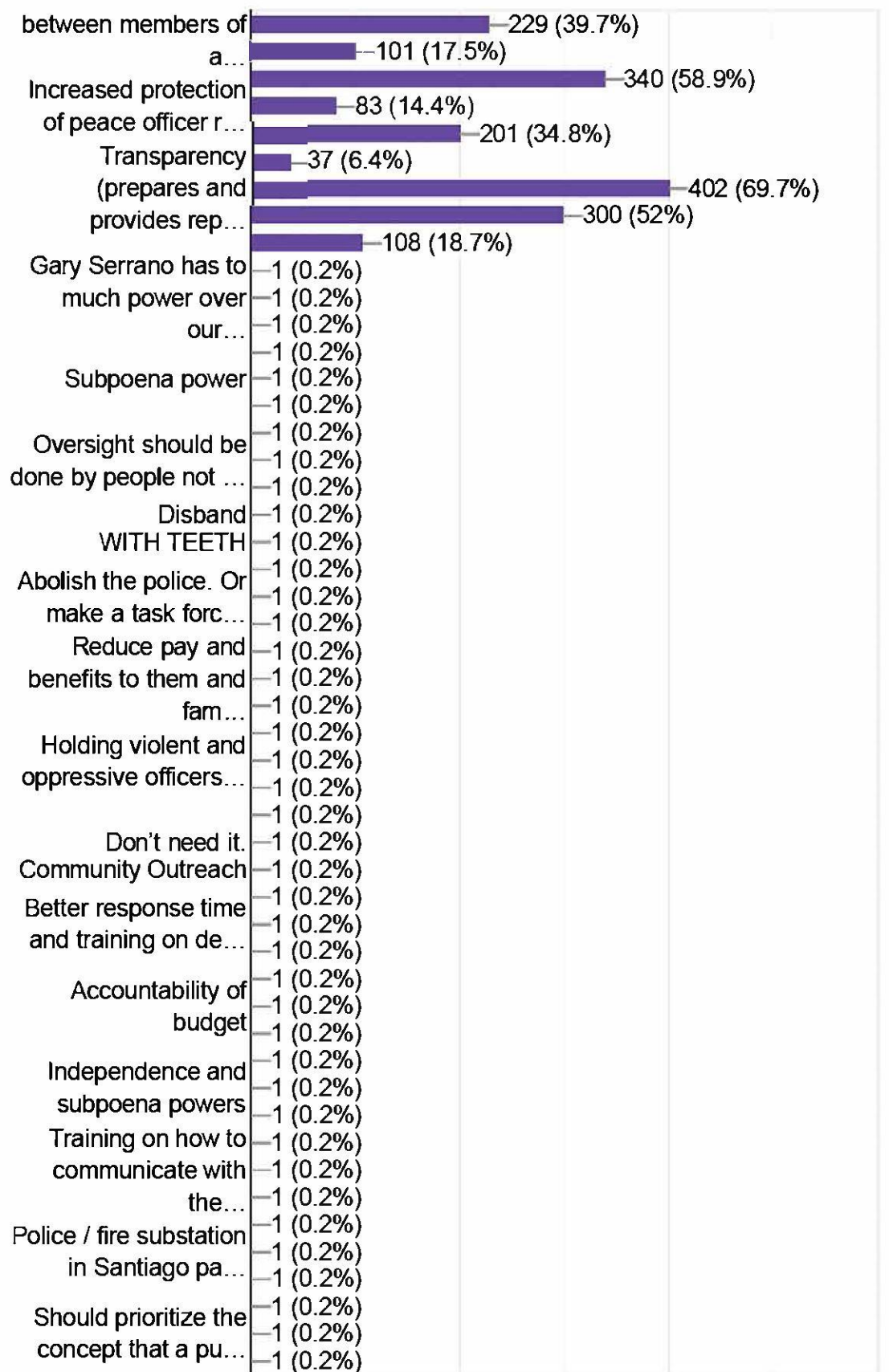
Police oversight will positively affect public safety in Santa Ana.

577 responses



If police oversight were to be implemented in Santa Ana, what priorities should the police oversight model prioritize? Choose up to three (3).

577 responses



0

200

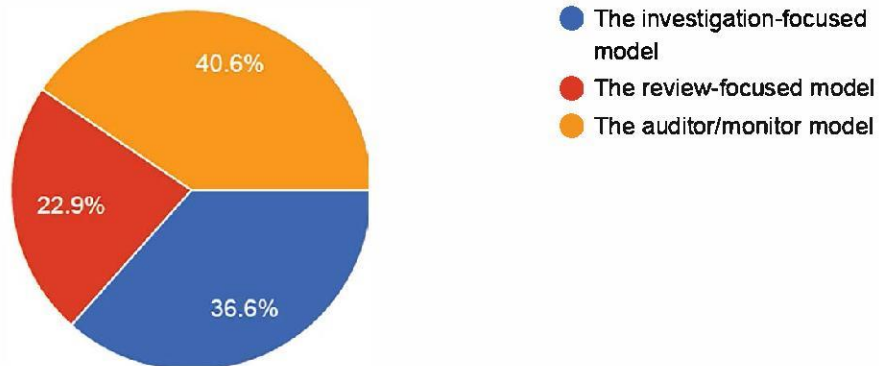
400

600

What is a police oversight commission?

Which of the above three models of police oversight do you think would be most effective in Santa Ana?

577 responses



Please add any comments below regarding your thought on police oversight.

231 responses

This is a good start.

While I think implementing these models may help our community I think what would help the community even more helpful is DEFUNDING the police & using that money to fund community programs that would actually benefit OUR community. Our city council somehow thinks that the Public Library and Community & Development should only receive 3% of our budget, and the SAPD seem worthy of 41%!

None

Police oversight would be totally unnecessary if only police officers would perform their duties professionally and supervision would actually supervise and hold the officer accountable for their actions.

no comment

Transparency makes us all better.

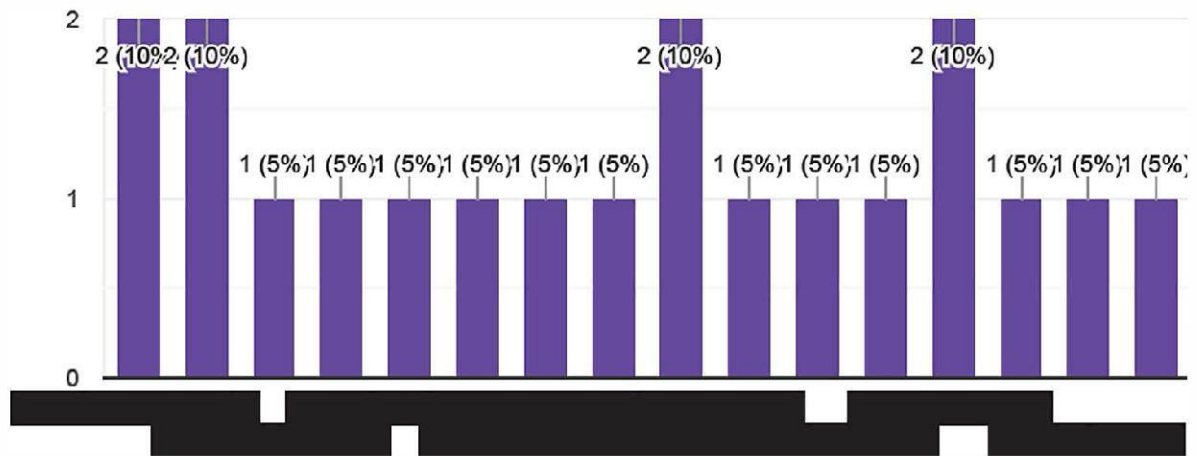
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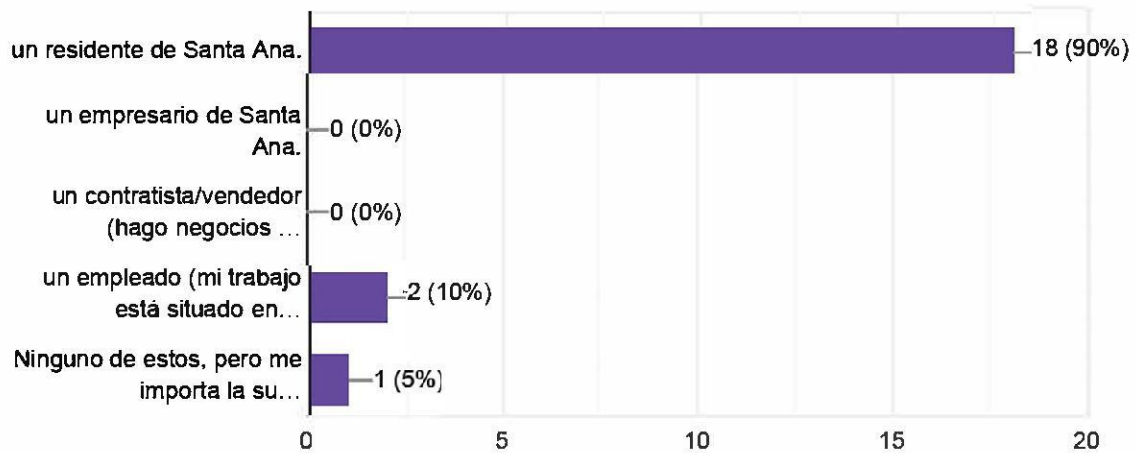
Dirección de Correo Electrónico

20 responses



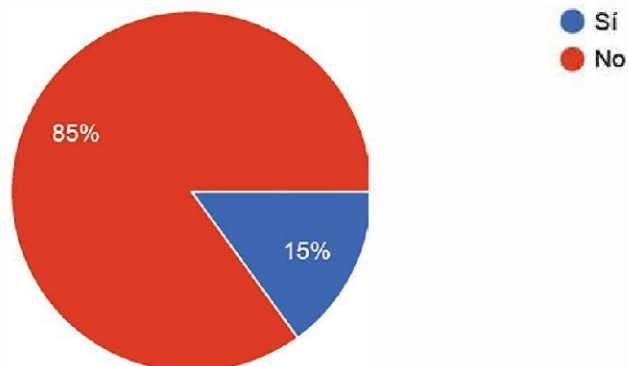
Yo soy...

20 responses



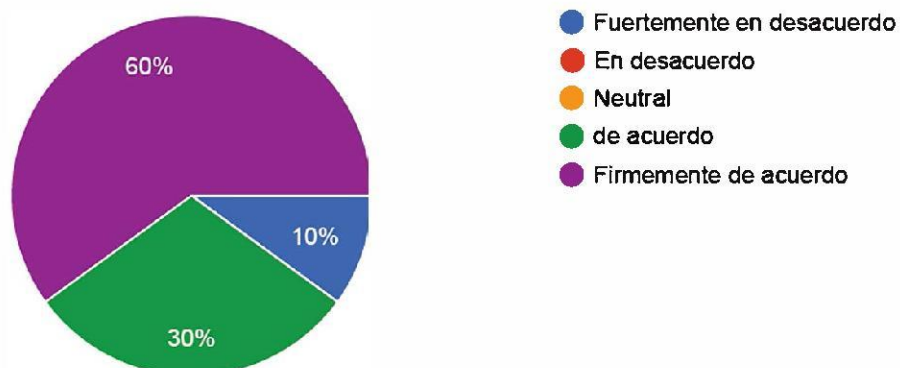
¿Sabe Ud. cómo presentar una queja ciudadana ante el Departamento de Policía de Santa Ana alegando mala conducta policial?

20 responses



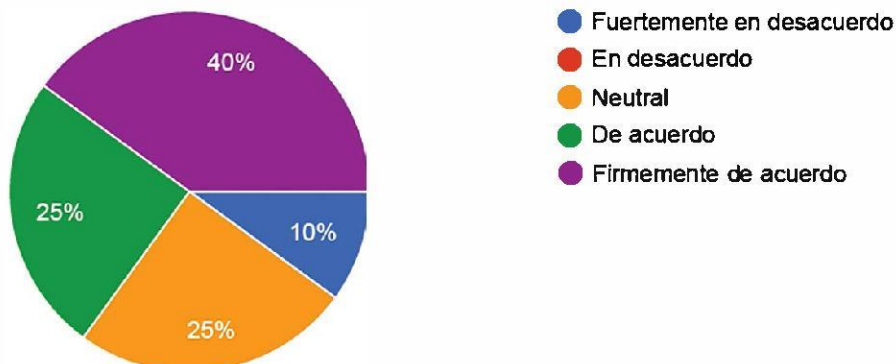
Se necesita supervisión policial en Santa Ana.

20 responses



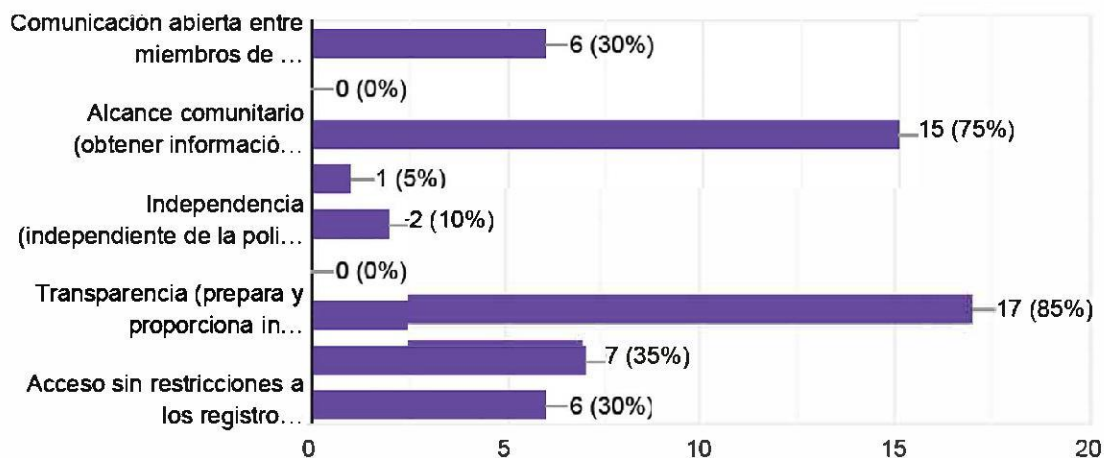
La supervisión policial afectará positivamente la seguridad pública en Santa Ana.

20 responses



Si la supervisión policial se implementara en Santa Ana, ¿cuáles prioridades debe priorizar el modelo de supervisión policial? Elija hasta tres (3).

20 responses

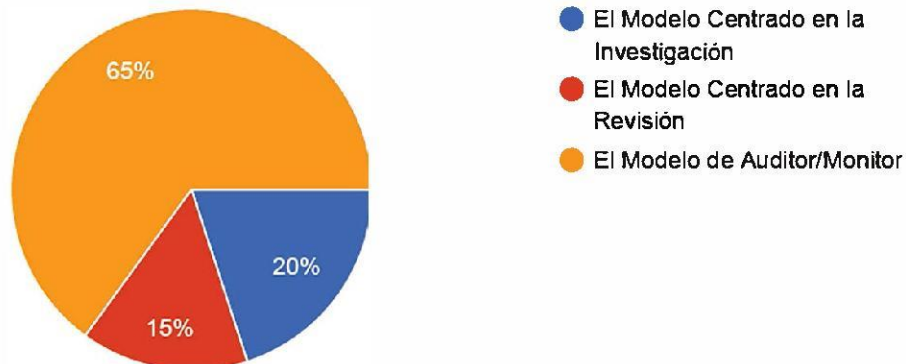


¿Qué es una comisión de supervisión policial?



¿Cuál de los tres modelos anteriores de supervisión policial cree que sería más eficaz en Santa Ana?

20 responses



Por favor, añade cualquier comentario con respecto a su pensamiento sobre la supervisión de la policía.

11 responses

Adriana Perez

Sería fabuloso que cada oficial de policía cumpliera con honestidad y sin racismo su trabajo.

Agradezco infinitamente a la policia de la Ciudad de Santa Ana por todo su esfuerzo en mantener esta ciudad segura.

Integral e intercomunicativo y muy entrenados en derechos y programas en salud mental

Ya es hora de que la comunidad participe en el modelo de seguridad ciudadana que desea y se necesita...y mejorar la comunicación ciudadano/policía y capacitar y enseñar a la comunidad sobre los procedimientos policiales, derechos y obligaciones del ciudadano..

Que limpien la cuidad de tanto gente que quiere hacer el mal

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Please add any comments below regarding your thought on police oversight.
no comment
None
Transparency makes us all better.
them at any cause. These oversight committees tends to want to take away police power. Places our officers in danger. I strongly disagree. Santa Ana do not need an oversight committee. We need more officers and our officers need to be protected.
I think we need a combination of investigative-focused model and auditor/monitor. We need police policies, practices, training and transparency reviewed that lead to true changes and improvements.
Much needed asap
Subpoena powers is a must!
An oversight committee is needed more so to build the trust between SAPD and the residents. Not because I feel officers are doing a horrible job, I feel they are outstanding and will always support them.
raises and raises to our police department ,, when I was growing up we had many youth programs also programs to help teen age kids to get summer jobs
Police need to held accountable as any regular civilian. Egos, attitudes and pride need to be put to side and respect of people. Community policing, walking the beat, getting to know the community through interaction.
The committee should keep look into improving response times
want to serve on the committee but have a past criminal record. However, the past criminal record should not have been a sexual crime, or crimes against children.
A Police Oversight Commission is very necessary in Santa Ana.
helps me understand the possibilities. Our Police Officers are an integral part of our community and providing for the safety of all stakeholders while also keeping them safe also. Thanks!
The police oversight will protect our officers.
Council members shall NOT serve as members of this committee. Officers need to be held accountable and be investigated by this committee.
It should be something officer don't have much say and unions cannot interfere
police officers. Without these the committee will be powerless and fail to adequately promote the change that our community and our nation has called for
ABOLISH THE POLICE YA TWATS
Stop racial profiling when making traffic stops
any of the models but it made me choose an answer.
affective.
A police oversight will ensure a fair investigation when police conduct is questioned.
Needs to be completely independent of the POA and Gerry Serrano
the city budget. We need less funding for the police and more funding for programs that will help the people of Santa Ana.
They must answer to their actions
Richard A Dixon
We the people want change.Santa Ana residents first enough is enough
I think all cops should be held responsible for their actions. It is not fair that they can get away with crime just because they are an officer. They should fear getting convicted of a crime just as much as a civilian is.
fire and discipline police officers for misconduct has been overdue.
way possible. Also police presence in schools should be limited, it makes students feel more uncomfortable than safe (as a former Santa Ana alumni).
Less money should go to the police. Reallocate funds to schools and arts.
Strongly necessary
I've heard a lot of SAPD hiring officers who made poor choices in other agencies
Police oversight is a very serious issue that the city of Santa Ana has been ignoring for a longtime. members of the community have been stopped, frisked, and searched due to race , color , and heritage.

good. The Santa Ana police department are bullies and create problems. We only need police for emergencies and the calls they receive.

in , a few months back there was a funeral procession of about 100 cars and helicopters flying overhead I thought it was a national emergency. Turns out it was a funeral procession. That looks so bad that we are in a middle of a financial crisis and were spending so much money for a funeral procession. Very ridiculous. I understand it's very sad, however the city can't continue with expenses like the one I saw! It's better to invest that money in youth. I would think the best way to honor a police officers to invest in our youth so that in the future we don't have any most police brutality claims.

██████████

██████████

We want everyone to be safe - civilians and Police Officers.

worries me. If we can't implement and follow simple guidelines then where is the order and safety of our community?

Cut some of the police funding to fund police oversight.

connection such as the District Attorney, the city council or mayor, the Internal Affairs branch, Sherrif's Department etc. The subpoena power is vital to ensure transparency. High quality investigators who have never been a police officer or sherrif, any family members or ties. Someone connected to the ACLU would make sense. The money should come from the enormous police fund as it is part of their burden and we as tax payers fund it. Quality control is always part of any business or entity so this should not sound outrageous. If a pattern is seen, then there should be changes. If they find patterns of abuse whether monetarily or abuses of power, there must be reconciliation if

The police in Santa Ana need to be watched at all times. The worst of the worst

giant dick, I've never seen a police do there job they do the bare minimum and that's it you all are a bunch of shitheads dumb motherfuckers who don't know what they're doing and think they're the shit bc their "cops" I hope you all die in the most gruesome way possible

It is important that the audit group implements certain procedures for police to follow

We need an oversight department

to stop drugs, stop drunk driving, stop street racing, stop prostitution! NOW! In addition, the citizens of this city are tired of all the homeless and transients.

and they take forever to come when I call them they don't come and if I do they minimize my concerns. The dispatchers are very indifferent and I feel this oversight needs direct monitoring access to evaluate how these dispatchers treat the community as well as the officers who just come if they come and don't do anything. The current police worry more about befriending the politicians like the council and not the people. They bother more than protect. They'd rather criminalize beat up and fight kids smoking pot and homeless rather than go after

Defund police

then a preventative approach.

More funding needs to go towards youth programs and not the police department. If our community has their needs met (access to healthy food, housing, recreational activities), we wouldn't need so much policing.

Police officer go around telling people what to do but don't care about real crimes in Santa Ana. ~~We don't need~~ moms and dads taking care of people, we need police officer who protect Santa Ana residents.

Police oversight would just taking more funding from other essential programs in the city. Why try to fix the problem at the end when we can fix it in the beginning. With just better police training. Fixing problems at the root.

I've experienced first hand racial profiling, I think that's an issue that should be talked about more.

We want a committee with investigation powers that has the ability to fire cops even the police chief

and give them the benefit of the doubt to do their job. While accountability is needed for misconduct, we need to understand the job they have fully. Walk a mile in their shoes first, then provide feedback. All members of the committee should have to do a minimum of 3 ride-alongs a year to maintain perspective and stay on the

that they may help assess and understand what the outcome should be. Like should they go to jail or should they go to a facility. I feel like this method could help lower the number of arrests and incarceration in our city and give people a chance to be vital members of our society. Thanks for your time.

instead of preventing the crime or solving it. When we call for help the dispatcher belittles us and make us feel dumb for seeking for help.

Something Santa Ana has needed for a long time.

ACAB
about police being aggressive towards our people and it needs to stop. People are scared to even do anything because we think we might get in trouble. Or god forbid killed.
something.
implemented.
None
Police need to be held accountable and not treated superior to the law! Especially in Santa Ana
The Police Union should no longer have the ability to make campaign contributions for city elections
Police should not have qualified immunity, and should be held accountable.
I strongly agree with police oversight that is completely independent. Police should not be in charge of investigating themselves and there should be more ways to make sure there is accountability in investigation of misconduct.
has the trust of the community, public safety is more attainable. If there is community perception that law enforcement is reluctant to provide transparency and accountability - which I argue there is, it is interpreted as law enforcement having something to hide. An oversight commission can eliminate that source of mistrust that
Any type of group or organization that will hold officers accountable to their actions is what's needed. Thank you.
Less less less please. We dont need so many police officers arresting one homeless guy. Waste of tax funds and they leave thier car running. So might as well do something else to help the community
DV cases
community." I respect law enforcement and support our officers. Our officers already have a body worn cameras which records incidents they encounter with the public, that alone should be enough for any type of investigation. Our SAPD officers put themselves at risk everyday while working and more support is needed for all officers. Our police department has a community outreach team and I always see the positive encounters with officers and because I don't believe that is the current situation.
More training on deescalating situations and more requirements on becoming a police officer.
Although I feel we have a lot of great officers I also think a lot of our issues start with Administration and even dispatch. A lot of our calls are not being taken seriously on the dispatch side.
no one knows the community better than the community itself. We live in a time where the police departments are very disconnected for the people of their cities, citizens are afraid of being pulled over for a tail light being out because we've heard stories and seen videos of the lack of deescalation tactics, and increase of trigger happy officers in these minimal situations. I think we can all agree that all we want it a community where we ALL feel safe to make sure people feel safe when interacting with police
I think we should go further and defund the police department. Thank you!
be effectively policed they must be involved.
Thank you for listening and taking steps to change.
powers; subpoena power; investigatory authority; disciplinary authority; and the ability to hire and fire officers, including the Chief of Police. Our community has demanded oversight of the police since 1965, and now more than ever we need a commission.
or special interests
society
power to enact policies that hold police officers accountable when they are engaged in misconduct, brutality, and/or murder. The oversight model should also be part of broader, holistic citywide efforts to reallocate budget funding from the SAPD, which consistently overspends and underserves, and reinvest those funds into community-based resources that complement crime prevention. These include employment training, healthcare, mental health counseling, after-school programs, parks and recreation, libraries, arts and culture, and other elements that
This is long over due, the Police and their union have had control of our city for decades and it is time to hold them accountable. They are rated as one of the top 10 most violent police departments in the nation.
The community needs a strong independent oversight body with subpoena power; investigatory authority; disciplinary authority; and the ability to hire and fire officers, including the Chief of Police.

and trying to create a revolving door. All human beings should be appreciated. We need love and not flashlights in our windows. Police shouldn't try to Make up Laws. Also forcing registrants to sign false statements and swear out false oaths wasn't a good idea because duress and coercion was mentally tough. Since the officers are putting our information on the internet for the entire world to see, their disciplinary record should be reciprocally exposed and all police disciplinary records should be discoverable and accessible. Taking victims to the gutter and loud door knocks aren't always necessary because citizen privacies should take priority over force. Force tends to break things. Young officers seem to be doing too much paperwork and implicating vigilantes. Deprecating comments regarding registrants are unnecessary and hurtful to citizen goals. We are respectful to the clerks so little need to be swayed by news, bad press, and bitter current and former criminals that are anti-police. Instead, focus on properly equipping, staffing, and allowing Santa Ana police to do their jobs. Stop the city's corrupt politicians from using them as a bargaining chip or political talking point. Their lives are in danger, our lives are in danger, all while

healthcare, etc

Carah Reed - I think in a city where we have so many police, there should be accountability to the community. Are they making our city safer? Are the people feeling protected? And open communication should be established.

resources to better equip officers. The community wants SAPD to have an understanding of what is happening here and throughout the country as a result of little self accountability. Citizens that pay for the oversized budget that is attributed to the police department should have the right to more directly affect decision making processes that police the police. Transparency and an effort to improve policing without just giving them more money is what Oversight should be independent, transparent, diverse, and citizen staffed.

legitimacy policing Santa Ana communities.

criminals with a badge.

see the road for a few seconds.

who appeared to be dead on the ground a few steps from my home and they were more concerned if he was homeless or not. A Human life is a life regardless of socioeconomic status. Thank you for reading this.

The oversight members should be independent of any bias for or against the SAPD.

essential to hold law enforcement accountable for the actions. Accountability is the least of what can be provided considering how much of the city's budget they consume.

discourage officers that promote a culture of violence, discrimination, unethical, and unlawful behavior anathema to law enforcement and its objectives. Recommendations and the potential to comment on investigations are not enough, and would serve as window dressing. Furthermore, divestment and reinvestment in preventative youth use/abuse are a mental/medical issue and NOT a criminal one, and therefore should be treated as such and policies need to be changed around narcotic issues. Mental health professionals need to work with the police to de-escalate mental breakdowns of people struggling, not deadly force. Various forms of training should be mandatory. i.e. de-escalation, mental health, and more. The police union should not be involved with ANY elections or recalls. They are to follow the mandates of the elected. The individual police officers are of course free to vote how they

business meetings, Latino focused issues are a big part of what can help Santa Ana and it will also help the police department with first time conversations with residents. We can make sure kids' first meeting with cops are good ones rather than bad ones and it gives the police an opportunity to actually know the residents they work around.

because our community needs more police not less.

Thank you very much. This is sorely needed in Santa Ana and across the country.

This is a good start.

This is a good start.

addition of an oversight committee will not harm the department, but rather stands to impact it positively by creating greater trust from the community.

take into consideration the needs and the opinions of the community that our officers will be serving. We should unite as a community and work together to create just, inclusive, sustainable systems.

I'm asking for a strong independent oversight body with subpoena power; investigatory authority; disciplinary authority; and the ability to hire and fire officers, including the Chief of Police.
Police need to be held accountable if they do something wrong
We don't need it. SAPD is a great department that keeps our streets safe.
I think all law enforcement agencies should have independent civilian oversight
Never trust SAPD!! corrupt! You got my info. Come at me bro.
Police oversight will benefit and support the goals of our community-oriented policing as it seeks to utilize problem solving techniques to work in a cooperative effort with the community to proactively address concerns.
methods and procedures of our City's public safety organizations recommend changes that improve the efficiency and outcomes of these strategies. Day to day operations remain the purview of public safety professionals, but an oversight committee would have wider latitude to recommend policy shifts or legislative changes that can be brought to the city council. Examples include evaluation of when physical visits by patrol units are required, how priority categories are divided, what overtime expenses are approved, and how public safety resources can be
Your community outreach tab is not working. - Accountability should be the focus.
more helpful is DEFUNDING the police & using that money to fund community programs that would actually benefit OUR community. Our city council somehow thinks that the Public Library and Community & Development should only receive 3% of our budget, and the SAPD seem worthy of 41%!
Police oversight is needed. Defunding SAPD is needed.
more helpful is DEFUNDING the police & using that money to fund community programs that would actually benefit OUR community. Our city council somehow thinks that the Public Library and Community & Development should only receive 3% of our budget, and the SAPD seem worthy of 41%!
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more helpful is DEFUNDING the police & using that money to fund community programs that would actually benefit OUR community. Our city council somehow thinks that the Public Library and Community & Development should only receive 3% of our budget, and the SAPD seem worthy of 41%!
to accept them as Neighbors instead of a foreign army to be in fear of. Do any Officers get out there vehicle just to say hello or is the only contact a negative one. Walk the Neighborhood learn the names share a cup of coffee or water, kids in the neighborhood are taught to avoid the police like the plague.
I trust my police department, the men and women that help protect the city are heroes
sapd sucks
active 10 years ago in a group of organizers who attended Citizen Review Board (CRB) meetings at the University of California, Berkeley during the Occupy years to hold the university accountable for injuries and complaints sustained by campus police during Occupy protests. It would be helpful for me to have a little bit more information about the organizational structure of police oversight, bc what is important for me is that all of the models bc community-facing. I'm struggling to identify which model the UC CRB used (I think it was a combination of review & auditor?). We definitely did not have access to internal affairs (which was problematic bc there was very little room for us to actually make recommendations to the police department about specific complaints), but we filed reports and had public comment about reports as they were completed. The auditor model seems like the best option bc it would allow the CRB to initiate and re-open IA investigations after they have been reviewed, but it also feels like it would be the only option that would allow community members to review budgets and advocate for policy decisions that would lead to defunding (or abolishing) the police. However, regardless of the model, it feels important to emphasize that the public/community have transparent access to CRB processes so that there can be as much community involvement as possible. If the CRB is as inaccessible as the police department itself, it lessens opportunities for citizens (participants particularly unhoused folks to experience agency around advocating for accountability to the residents.
have been implemented years ago. Regardless of the oversight model, transparency with residents needs to be a priority.
Let's also not buy over the top military style weapons and reinvest in our school(students and teachers)

I like the idea of a community ran review board but I also think that the review board would not have enough power to enforce or take action against police abuses.

markers of a useful commission. I urge the staff to incorporate his research to develop a model commission in our city.

members must have NO affiliation with or influence from the POA.

It's continued since March. There's no NEED FOR THAT. Y'all are not doing anything but disrupting the neighborhood. ALSO I had cops come to my house at 6 am because they thought we called them (I have a video bc we have the ring camera also we did not call them). Tell me why one of the cops had his hand on his gun the whole time?? Is this protocol?? Y'all too scared to ring doors you need your guns ready?? I've been seeing cops just cruising, that's all, for a 144 million dollars a year I EXCEPT BETTER. Years I've heard and seen story of the SAPD AND I DONT HAVE TO EXPLAIN TO YOU because I know y'all have heard it too. These cops know what reform.

improve our community of Santa Ana and save lifes.

This is a good start.

This is a good start.

needed. [REDACTED]

Accountability!!!!

the phone operators are condescending and rude to us for calling like if we are bothering them and if an officer does eventually show up hours later it is too late and they say we are not the priority. In others cities I have seen people call the police and it's more like a service to them and in our communities the police is not always working streets, or armed cops that are patrolling for traffic violations, and make sure the ones that are out on the streets are being monitored by people outside of the "justice system".

positive that "oversight" is absolutely necessary.

[REDACTED]

the head. 1 shooter not 5. Teach them.

[REDACTED]

[REDACTED]

investigations, the public would see this. They would see that so many public complaints are false or unwarranted and perhaps begin to get an insight into how important yet difficult it is to be a police officer. And for the officers that misbehave, the public would see how the punishment was being carried out and feel better about trusting the police danger or threat in a victim raising their voice. Unfortunately cops think every little stray from normalcy is a sign of aggression or a sign to arrest someone. Many become cops without understanding mental illness or communication skills between different races, socioeconomic classes or anything.

Implementation of higher job requirements such as obtainment of bachelors degree and deescalation courses, recruit more members of the community. Reduce Police Union influence on local elections.

[REDACTED]

I agree these reviews need to be conducted, but also have a process to deal with fake complaints. A balance of professionals, citizens, and police would allow the police and public to embrace this idea.

"commission" is a waste of time and money for everyone involved. Doesn't SAPD have body cameras? If this commission gets approved I hope they focus on winning the hearts and minds of the community. The police are not the issue. That's why they have internal affairs and the court system to prosecute bad apples. If only every occupational field had one of these "oversight" boards with random people making decisions on employer/employee matters. Oh and on top of that, the people on the board won't even have police experience? I of responsibilities that the police are tasked with. Police should only focus on investigating and solving crimes. They should not be entrusted to handle issues related to homelessness or mental health. They do not have the education or training to resolve these issues effectively and non-violently. Funds that are used to arm the police with military-style weapons must be diverted to community centers or service workers that should become the first responders to issues related to homelessness and mental health. If we continue to rely on the police to address they must be held accountable, complaints must be investigated thoroughly by independent investigators, consequences should be exacted quickly and must be tough to serve as a deterrence to misconduct

call police all the time to remove dangerous persons from the property. It makes me physically ill to see people criticize the police, who do the work no one else will do. So sad about this oversight crap.
Police oversight would be totally unnecessary if only police officers would perform their duties professionally and supervision would actually supervise and hold the officer accountable for their actions.
City.
We need our Santa Ana Police Dept.
We do not need to reduce funding or reduce the amount of officers who serve our city. We need to be diligent in preventing crime in our city and holding criminals accountable for their actions.
educating their kids so they don't join gangs. If you don't want to be a "victim of police brutality", DON'T COME CRIMES. Respect others. If anything, Santa Ana needs to STOP BEING A SANCTUARY CITY. This only protects
should adopt a hybrid model for reform. I believe this can be achieved by allocating funds away from police equipment, technology, vehicles, upgrades, etc. and instead allocating funds to expand on a comprehensive approach that would incorporate key initiatives from each model listed. We cannot afford to fail in our efforts. I believe an auditor/monitor model that also relies on support from investigative and review focused strategies would
the community of Santa Ana.
commission is necessary that that can fairly and subjectively review cases and data without any ties or decision-making dependent on police officers, unions, nor government officials. This commission should be composed of community residents and reflect Santa Ana population, including youth and undocumented immigrants. The commission should have subpoena power, investigatory authority, disciplinary authority, and the ability to hire and fire police officers, including the police chief. SAPD has been run by the POA and political interests for too long,
in a high crime city defunding police is a very bad idea.
has maintain throughout the years.
One issue that is not addressed in this survey is what power the group would hold. How would the findings of the oversight committee be used? This is fundamental in determining which type of oversight would work best.
Police oversight would be totally unnecessary if only police officers would perform their duties professionally and supervision would actually supervise and hold the officer accountable for their actions.
and have a low tolerance for "technical malfunctions" or "body cam was off". Adding transparency will naturally get rid of the very few bad apples out there as they will no longer be able to hide under their word vs others.
Defund Santa Ana Police Department
the relationship between the SAPD and the citizens of Santa Ana. It would give a place to air any problems. This oversite committee should not be give the power to hire or fire. That is the police chief's job but oversite committee can review procedures and incidents. The oversite committee can recommend any changes directly to the Chief or
know that the police officers association buys council members
Much needed
surveying community.
very interested in the activities of the police, the support to the police, that their needs are met (equipment, supplies and training), and that as a resident of the City of Santa Ana - that I have every opportunity available to me to be protected in my home and community.
handle crimes not the homeless issue
long program should be encouraged and promoted so people can see how hard the job is. And I'm not talking about criminals. I often have seen and experience rude behavior from officers to people that call the police reporting crime. Its like they try to discouraged the public calling. So often times things go unreported.
accounts from first contact keep all parties on the same page.
I think the Santa Ana police are doing a great job. I feel very safe in Santa Ana
It will be good for the community at large
Care about the people you serve they are your neighbors and family

Many thanks to our SA Police Department for their hard work and dedication.
Robert Lewis Henson, Sr.
commission or in any other capacity.
they should.
safe to say that most reasonable citizens would agree that police policing themselves (IA) has an element of conflict of interest. I look forward to a day when police presence in any situation is welcomed and no feeling of us against them is felt by either side. All together united for the greater good of our community.
Structural change is now long overdue. The roots of historic racism must be taught and understood by law enforcement. An understanding that not all problems ought to be solved by the police.
dozen cases, wrongful death, shootings, K-9, alleged excessive force, to defense verdicts. Orange County jurors were educated on the constant successful training given by SAPD to the charged officers and only with that kind of knowledge were they in a position to judge the appropriateness of the officers conduct. This information in todays world is absolutely essential to review the departments own IA investigation and comment on the allegations too often made in ignorance of what conduct by someone confronting an officer compels the response of the officer which can lead to serious injury, but at the hands of the actor, not the officer. Educate your citizenry on what the law gathering facts to enable intelligent decisions on how to improve positive results from community/police interactions.
I love our police station and strongly feel it should remain the same.
mix of all three models, not one model only.
We know that Police put their lives on the line daily. Pay and benefits should not bankrupt the City. A FAIR wage should be rewarded. The police union want a higher wage then lower your dues!
It is needed.
I appreciate all that Santa Ana Police do. No police equals chaos.
essential to our democracy. I also recognize that policing across the nation needs to be revamped and resources should be allocated differently in order to adapt to the changing times. For example, extensive training on ways to deal with individuals suffering from mental illness. In my opinion, the key to ensuring fair and effective policing is establishing an independent body that can conduct investigations that are transparent and that consider community be confronted by the police then you have nothing to worry about. The oversight committee is determining what laws will be addressed. Like the Bible says "a sin is a sin no matter how big it is, it's still a sin." Same with laws.
In full support of our police, can't live without them!
PERFECTLY AND IS A WIN-WIN FLR ALL INVOLVED. CALL ME FOR MORE DETAILS. BILL TAORMINA 714-308-0220
because they seem to be releasing unabiding citizens as soon as they hold them for X reasons. They need support from the lawmakers.
problems occurring in Santa Ana. Probable changes in training and types of procedures used when dealing with public will likely be needed. Transparency is a requisite for trust.
Uncurpt staff
believe that our police are overfunded, I would like to use this oversight community to drive policy and funding-based decisions for the future of the Santa Ana police department.
decisions that impact the men and women who are brave enough to wear a badge. A citizen oversight committee should be implemented by peace officers to teach them how to be respectful of authority.
protect cops who break the law or harass the residents who pay their salary. As a sworn officer, you should not only have knowledge of the laws but have a strong understanding of what is considered ethically correct. Officers need to address all residents with dignity and respect regardless of their background.

<p>belief that the police force is here to protect itself and its stakeholders has become evident. As I watched police defend Mater Dei HS when nobody was even paying attention to it as looters, not protesters, vandalized Smart&Final right across the street and walked home to see the scene on every channel knowing the cops were only yards away and choosing to do nothing in order to let this image be the one that remains in people's minds instead of that of peaceful protestors exercising their right to protest just one intersection down, my trust of this police force only lessened. After attending protests in Irvine where there was only one police car present, the image became even clearer. That car was parked by where everyone was parking and far from the center of action, in fact they were sitting there calmly eating their lunch. Why the difference in treatment. I would love to trust my police force and know that if I am in trouble they can come help, but today as it stands I do not. How is it that a police officer can become one with such little training? We demand so much from you, but you get so little training. That's what you should be investing in. Oversight is not the solution. Take the time to get to know your community, de-</p> <p>Great job on putting out this survey! Please keep up the great work and accountability.</p>
<p>I'd rather abolish SAPD but I guess this is the next best thing</p>
<p>crime and LOTS of illegal fireworks in my area; yet police can't get to us in time to get the perp. Give them MORE support and START teaching our kids in school TO RESPECT THEM not badmouth them.</p>
<p>It is an important part of proper policing.</p>
<p>I would be willing to be a member of such a review team</p>
<p>those violating the public trust.</p>
<p>to know" that, when crossed, may put our officers in harms way. Our police officers should not fear repercussions for doing their job. I'm sure they second guess themselves all the time, or wish they had three seconds more to think about their actions, but they do not have that luxury. An oversight committee has all the time in the world to think of alternate ways a situation can be handled. Too much "Oversight" may get the officer(s) injured or killed should they take an extra second to think. The committee does not have the fear of death should they choose</p>
<p>which may replace or duplicate police internal affairs processes, staffed by non-police civilian investigators. Not all police officers are "dirty cops", those that are should be publicly released from this duty. Changes need to be made and made public.</p>
<p>I believe the police in Santa Ana do a good job and we could use more officers on our streets. They should have more resources to hire more officers and have community events and more training.</p>
<p>committee. Thank you!!</p>
<p>should stay away from the investigation-focused model so efforts are not duplicated between Internal Affairs and the oversight committee. Employees and Officer have rights and if violated by one group could defeat the purpose of an investigation. That due process involves legalities which a volunteer should not be a part of.</p>
<p>Needs to happen</p>
<p>ranked University. I have a BA and a Masters and I have the privilege of serving the community in the field of education. I have great respect for law enforcement. They serve a difficult but necessary function. Growing up in Santa Ana I can personally attest to the need for Police reform. My interactions with Police in the 80's were often not positive. I have always been a law abiding citizen. In addition, I have excelled in my academic studies since Elementary school. Math and Science is my strength. Spelling and grammar is my weakness. Unfortunately, my determination to do the "right thing" throughout my life did not protect me from what I perceived as Police harassment. It occurred on multiple occasions. I do not believe that the behavior of a few is necessarily representative of all officers in a department but I was surprised by the ratio of negative interactions I had with officers. I would suggest that officer training strongly work at instilling a strong desire to build public trust vs. driving through neighborhoods almost as if respect is demanded. In addition, it is helpful for training to include</p>
<p>P.D.</p>
<p>both parts.</p>
<p>paper.</p>
<p>No more abuse of power! Transparency and justice for the people of Santa Ana.</p>
<p>Integral e intercomunicativo y muy entrenados en derechos y programas en salud mental</p>
<p></p>
<p></p>
<p>Ya es hora de que la comunidad participe en el modelo de seguridad ciudadana que desea y se necesita...y mejorar la comunicaci3n ciudadano/polic3a y capacitar y ense1ar a la comunidad sobre los procedimientos</p>

Que limpien la ciudad de tanto gente que quiere hacer el mal
Es una buena oportunidad para que la comunidad y la polic�a crean una relaci�n de comunicaci�n
Ser�a fabuloso que cada oficial de polic�a cumpliera con honestidad y sin racismo su trabajo.
Ser�a fabuloso que cada oficial de polic�a cumpliera con honestidad y sin racismo su trabajo.
Patrullar m�s los callejones
Supervisar mas frecuente a los homeless, por dan miedo a la comunidad.

Guidebook for the Implementation of New or Revitalized Police Oversight



National Association for Civilian Oversight of Law Enforcement

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Acknowledgement: What follows is a compilation of new material combined with selected NACOLE endorsed materials, written by many known and unknown authors, edited to provide the reader a guidebook relevant to the present set of circumstances in 2016. The editors affirm that attribution of original authorship was in no case purposely omitted, and that this guidebook was prepared in the spirit of offering the best material available for educational purposes. We are deeply indebted to all of them.

About the National Association for Civilian Oversight of Law Enforcement

The **National Association for Civilian Oversight of Law Enforcement (NACOLE)** is a non-profit organization that works to enhance accountability and transparency in policing and build community trust through civilian oversight

Mission

The mission of NACOLE is to enhance fair and professional law enforcement responsive to community needs.

To this end, the goals of NACOLE are:

- A. To provide for the establishment, development, education, and technical assistance of/for the civilian oversight of law enforcement.
- B. To develop a national forum to provide an informational and educational clearinghouse and a publication resource of educational information for the public and organizations in the field of civilian oversight of law enforcement.
- C. To encourage the highest ethical standards in organizations that help oversee law enforcement.
- D. To educate the public by developing mechanisms to enhance police and community relations, educate law enforcement agencies, and encourage law enforcement to respond with sensitivity to citizens' issues and complaints.
- E. To encourage full racial and ethnic representation and participation in this organization and the agencies overseen by its members.

Established in 1995, NACOLE is the largest and premier civilian oversight organization in the United States; its membership comprises nearly 1,000 oversight practitioners, current and former law enforcement personnel, elected officials, journalists, academics, students, and community stakeholders, among others. NACOLE has worked to legitimize police oversight as a professional field of study and practice and facilitated the development of professional standards, including a Code of Ethics, as well as core competencies and training guidelines for oversight practitioners. NACOLE also hosts an annual training conference where civilian overseers and other interested stakeholders meet and exchange information and ideas about issues facing law enforcement oversight. The 2015 conference saw participation from 114 communities from 30 states, the District of Columbia, Puerto Rico, and six countries. Such broad

representation within NACOLE activities has been consistent from year to year, stretching back to the organization's roots in the international oversight movement of the late 1980s and early 1990s. This is in large part because NACOLE has been the only organization in the United States providing training explicitly on civilian oversight during that time.

NACOLE works collaboratively and in partnership with law enforcement, oversight entities, and communities interested in oversight. From the public perspective, we ensure oversight is present, knowledgeable and capable. From the law enforcement perspective, we ensure policies and processes are in place to ensure transparency, accountability and institutional commitment to constitutional policing. NACOLE's goal is not simply to police the police; rather, NACOLE seeks to engage stakeholders in a dialogue that firmly establishes partnerships and helps create an environment in which police are responsive to community, they engage with the community impartially, and the community in turn views the police with legitimacy and respect.

NACOLE has worked with law enforcement and civilian oversight groups nationwide. Recent examples of communities to which NACOLE has provided training or technical assistance include: Anaheim, CA; Bainbridge Island, WA; Boston, MA; Fairfax Co., VA; Ferguson, MO; Fullerton, CA; King Co., WA; Los Angeles Co., CA; Memphis, TN; New York, NY; Oxnard, CA; Pasadena, CA; Pueblo, CO; Sonoma Co., CA; and St. Louis, MO, as well as cities in numerous other countries including Mexico, Kyrgyzstan, Russia, Trinidad & Tobago, and Vietnam. The assistance provided by NACOLE has included providing information and training on:

- Establishing civilian oversight
- Investigative standards
- Police use of force
- Discriminatory policing
- Treatment of, and interaction with, marginalized groups (e.g., persons with mental illness, homeless, LGBTQ, disabled, immigrant)
- Mediation
- Technology (e.g., body-worn cameras, TASERS)
- Police training
- Management and supervision practices
- Data collection and data analysis

In addition, NACOLE:

- Organizes training conferences and seminars
- Provides technical assistance and support
- Encourages networking, communications, and information sharing

- Maintains a national information and resource clearinghouse
- Sponsors a listserv for information on the topics of policing and police oversight
- Offers a professional credential for oversight practitioners
- Publishes a regular newsletter
- Produces a webinar series on topics important to those in and around oversight
- Facilitates a professional mentoring program

Foreword: Message from the President

January 13, 2016

Dear Reader:

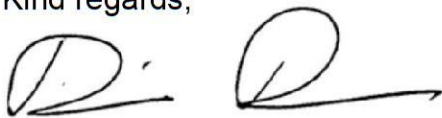
On behalf of the National Association for Civilian Oversight of Law Enforcement (NACOLE), its Board of Directors, members, and staff, I am pleased to present the following guidebook for non-governmental organization (NGO) members and Government of Mexico officials on how to develop and implement external citizens' bodies for oversight of law enforcement.

Established in 1995, NACOLE is a non-profit organization that works to enhance transparency and accountability in policing and build community trust through civilian oversight, in the United States and around the world. NACOLE shares the goals of the U.S. Department of State's Bureau of International Narcotics and Law Enforcement Affairs and its police professionalization programs that encourage democratic and transparent public security and ensure increased accountability, oversight, and integrity of police departments and active police officers.

This guidebook addresses many important topics in oversight, including, but not limited to: the basic philosophy, principles, and objectives of law enforcement oversight; methodologies; and models of evaluation and assessment, as well as strategies and approaches to ensuring constitutional policing.

I am confident that you will find the guidebook provides a foundation for understanding the necessary steps and issues specific to the process of establishing civilian oversight of the police.

Kind regards,

A handwritten signature in dark ink, appearing to read 'D. Q.', with a long horizontal flourish extending to the right.

Brian Buchner
President
NACOLE

Chapter 1. Introduction

As recent incidents throughout the United States and around the world have demonstrated, cities and police departments have left themselves unprepared to face the consequences of a lack of public trust, community confidence, or sense of legitimacy, particularly within communities of color. Historically, these cities and police departments have only reacted to crises and have rarely acted in a proactive manner to implement robust internal and external accountability mechanisms necessary to build public trust and reduce the likelihood of these breakdowns occurring in the future.

Citizen oversight of law enforcement is a critical facet of any well-founded effort to strengthen the relationship between police and communities and to build public trust, all while promoting effective policing. And it is one of the only mechanisms proven to ensure sustainable reforms. Civilian oversight alone is not sufficient to yield the legitimacy in which both the public and law enforcement share an interest; without outside oversight, however, no collection of efforts to secure such legitimacy can be considered complete or directly responsive to the public's demands for greater participation in, and understanding of, their local law enforcement.

There is no one-size-fits-all approach to police oversight. There are more than 200 oversight entities across the United States. No two are exactly alike. There are civilian review boards, monitors, auditors, and inspectors general, among other models. The "best" approach continues to be a subject of debate. In part, this is because so many different factors influence what particular agencies and communities need and can sustain.

To create a new civilian oversight mechanism, or to reorganize or strengthen an existing one, communities must first consider a series of important questions and make key decisions; each decision will guide and inform future ones. A community, which includes the public, police, police labor and management, key policy and decision makers, and grassroots or community-based organizations, among others, must clearly define its goals and what it hopes to accomplish with oversight before any model is selected or before the first words of the draft ordinance or charter amendment are written.

The following outline can serve as a tool for communities to help guide their efforts to establish or strengthen oversight. The process is entirely dependent on the support, participation, and engagement of all interested stakeholders. Even with a guide such as this, however, few communities can effectively launch their own self-study of oversight methodologies. Face-to-face technical assistance and support from experienced oversight professionals and experts can complement important local dialogue and planning efforts. Each community is different and each must go through its own process to rebuild trust and strengthen the critical relationship between the public and the police, while supporting effective public safety.

Chapter 2. Key Steps and Decision Points

I. Goal Setting

What outcomes do you hope to achieve by establishing an oversight mechanism?

II. Coalition Building

Who will I need to bring together in my community to begin this process?

III. Engagement of community and government actors

From whom do I gather input and how will I ensure that I have all of the information needed to recommend the appropriate oversight mechanism that addresses the needs of my community?

IV. Making Decisions Regarding the Model of Oversight Used

- a. Structure (i.e., function of the executive or legislative branch, model type, relationship or access to law enforcement agency)
- b. Duties, Powers, Authority
- c. Funding Mechanism/Budget

What information will I need to determine the appropriate accountability model for my community?

V. Crafting the Ordinance or Legislation Establishing Oversight

What are the things that I will need to include in the city ordinance or enabling legislation to establish an effective oversight mechanism? Do examples exist?

VI. Oversight personnel profiles and standards

Who will fill your staff and volunteer positions within the oversight agency? What background or qualifications should they have?

VII. Establishment of Policies and Procedures

How will you carry out the day-to-day operations of the agency? Do the policies and procedures help to achieve the goals outlined in Section I?

VIII. Gathering and Analyzing Data

What information can/should you gather and analyze that will allow you to better understand the police misconduct and need for continued accountability measures in your community? How can I use this data to make recommendations for effective changes?

IX. Goal Measurement

What information can/should you gather and analyze that will allow you to measure your agency's impact (e.g., complaint sustain rates, levels of community satisfaction, levels of community trust, lawsuits, settlements, uses of deadly force, policy changes, compliance rates, or early warning system indicators)?

X. Writing Reports

What reports will your agency produce to sustain a level of transparency regarding police misconduct and the work being done by the oversight agency?

XI. Conducting Outreach and Communicating with the Public

What steps will be taken to communicate and engage with the community that will allow your continued understanding of their needs AND allow them to know what work is being done by the oversight agency?

XII. Building Relationships with Key Stakeholders

- a. Law enforcement agency that is being overseen
- b. Local government
- c. Police unions
- d. Public

What steps will be taken to continue to build the relationships necessary for effective oversight?

XIII. Ongoing Training and Professional Development

What steps will be taken to build on and enhance staff and volunteer skills, knowledge, and abilities? Will training be required? Who will provide the training and how often?

XIV. Identifying and Addressing Challenges and Opportunities

What challenges will the new or improved agency need to address right now? What challenges will there be in the near-term or will they be ongoing? What opportunities exist for the agency to advance its mission and provide effective oversight of the police?

Chapter 3. Steps in establishing oversight

- 1) You must first have a core group of citizens who are sufficiently concerned about the issue and who are willing to unite and work together over an extended period of time. This core group should seek out training, support, and resources prior to establishing a formal planning or advisory committee. If not, the community's voice risks being disregarded or marginalized once professional stakeholders become involved in the process.
- 2) Begin by framing the public discussion and inviting broad public input. Emphasize that the purpose is improving trust between police and the community by ensuring public confidence in the agency through accountability and transparency. The end goal is to deliver the most professional and effective police services possible to the community. Invite police officials and union representatives to be a part of the conversation from the start. Get their input and make it clear to them that their suggestions and concerns are valuable to the process.
 - a. Acquire/develop and publicize data that clearly demonstrates a local need for civilian oversight (e.g., costs of past lawsuits, history of injuries, high ratio of use of force to arrest, or a lack of public confidence in policing agency).
 - b. Make sure that meetings occur one-on-one and in public forums so that as many people have the ability to participate as possible. In addition, it is important that a method that assures complete transparency in the process be employed.
- 3) Establish a planning or advisory committee composed of elected officials, legal advisors, police officials, police union representatives, and community advocates. Begin to meet regularly to educate the group on the pros and cons of various oversight models, legal requirements, collective bargaining limitations, or other issues.
 - a. Identify sources of resistance and issues of contention and begin to address the concerns or neutralize the resistance.
 - b. A skilled negotiator or professional facilitator may be helpful if communication becomes difficult or begins to break down.
- 4) Identify sources of technical assistance such as NACOLE, the Department of Justice, local bar associations, and practitioners of civilian oversight in other jurisdictions. Visit oversight agencies in other jurisdictions to learn from their staff and observe their procedures.
- 5) Identify the proposed agency's objectives and scope.
 - a. Will the agency accept complaints of police misconduct? If so, what types of complaints will be accepted, and from whom? Will the agency investigate complaints, or review them? Will the agency make both disciplinary and policy/training recommendations? Who shall be the final decision maker for complaint disposition? What should happen when

there is a disagreement between the police department and the oversight agency? What will be the public reporting requirements for the oversight agency? Will the agency offer mediation? Will the agency have subpoena authority? How will the agency's effectiveness be measured? How will elected officials hold the oversight agency accountable?

- 6) Based upon the agreed objectives and scope, select an agency structure:
 - a. Citizen review board model with or without independent investigative authority, the ability to examine patterns or trends in policing practices, and a mandate for policy recommendations.
 - b. Monitor, auditor, ombudsman, or inspector general model with or without independent investigative authority and mandate for policy recommendations.
- 7) Determine whether the oversight agency will be created by ordinance or within the municipal charter. Generally, it is better to have it created within the city charter, as a municipal ordinance is typically easier to overturn.
- 8) Identify staffing needs
 - a. Decide on type and number of staff
 - i. Administrator/ombudsman/monitor/IG
 1. How will the director be selected and what are the director's terms and qualifications of employment?
 2. How can the director be reappointed or removed?
 - ii. Volunteer board members
 1. If the agency will be volunteer based, how many volunteer hours per week/month will it take for a volunteer to perform competently?
 2. How will the volunteer board members be selected?
 3. What are the qualifications (and disqualifications) for being a board member?
 - iii. Administrative assistant(s)
 - iv. Investigators
 - v. Legal counsel (Corporation Counsel or outside legal counsel)
 - b. Consider how training and development will be regularly provided to agency staff and/or volunteers.
- 9) Develop a specific and detailed budget estimate and work to secure political support of elected officials for full funding.
- 10) Present the proposal to the public and allow time for public input and feedback. Work with community advocacy organizations to build public support for the proposal to ensure its passage.
- 11) In the end, you should advocate for the most effective structure possible that can be created within the current local political context, but recognize that

compromises may have to be made to secure its initial passage. Revisions to the law that would strengthen the agency can be proposed at a subsequent point in time when the political context may be more amenable.

Chapter 4. Overview of civilian oversight

What is civilian oversight?

In its simplest meaning, civilian oversight may be defined as one or more individuals outside the sworn chain of command of a police department who take up the task of holding that department and its members accountable for their actions. Contrasted with internal accountability mechanisms commonly found in law enforcement (i.e., internal affairs), independent police review offers a method of citizen involvement in accountability that is often, but not always, external to the department. Its independence from the agency or the sworn chain of command that it seeks to hold accountable allows it to address a wide range of concerns without any actual or perceived bias, and to ensure that policing is responsive to the needs of the community.

Civilian oversight may be established in response to recurring problems in a particular law enforcement agency, such as a pattern or practice of the use of excessive force or repeated complaints of racial profiling. Sometimes oversight is initiated proactively by a local municipality to identify and correct such issues before they become more widespread and difficult to rectify. Often, however, oversight is generated in response to a single, particularly high-profile allegation or incidence of police misconduct. Whatever the circumstances, police oversight is now found in cities and counties both large and small, and in every geographic region of the nation, as well as in other countries.

While practices vary according to the roles of the oversight entity or the laws of its jurisdiction, it is common for civilian oversight agencies to be both an independent source and a repository of qualitative and quantitative data. Oversight agencies may issue public reports on the number, type, and outcome of misconduct investigations; lawsuits; uses of force; or detentions and arrests. They may provide on-scene monitoring of critical incidents, such as officer-involved shootings, or of mass social gatherings, including protests and demonstrations; and they may subsequently provide the public with a singularly independent account of the actions taken by the police, evaluating whether those actions were appropriate under the circumstances or showed a need for some measure of reform. In addition to the issuance of public reports, qualified and experienced oversight entities may also assess a police department's policies, training curricula, and recruitment standards, among other procedures, in order to compare them against the prevailing standards in a perpetually dynamic profession. The effectiveness of oversight in any particular community is dependent on a host of factors including political and budgetary support, ready access to information including police files, records, and performance data, the training and expertise of oversight personnel, and acceptance by the local law enforcement agency and community. Oversight systems can take a variety of forms and operate under a range of authorities.

Each jurisdiction will have to carefully assess the needs of the community and the cost-benefits of the oversight program they adopt. The key question is whether the oversight

system is sufficiently independent--in terms of political, professional, and financial independence—to do what is needed and carry out its oversight responsibilities.

It is helpful to think in terms of the goals of the community and what is being asked of the local oversight system. Specifically, what level of funding and how much authority should be given to the oversight agency in order to shoulder its identified tasks *and* be successful in its efforts. The oversight agency's mission should bear some relationship to the size of the police department, the department's funding levels, and the level of trust or mistrust within the community—particularly among those segments of the community that historically have been the subjects of over- or biased policing.

Chapter 5. Goal Setting

What outcomes can we hope to achieve by establishing an oversight mechanism?

Oversight agencies are sometimes created in reaction to crisis incidents with little thought given to long-term functionality or obligations. The initial focus is usually short-term procedural goals, which are important but can result in actions that do not serve the greater good of the community in the long run. This work requires an understanding of partnership development and constructive engagement, even with those individuals or groups that do not agree with the central premise of increased oversight of the police. That is why it is important to articulate a common goal that all parties are likely to affirm.

The following queries are intended to facilitate your thinking about desired outcomes.

- Is improving community cooperation with police an investment in enhanced public safety?
- Do police need to enhance accountability mechanisms and promote transparency policies to improve citizen confidence, trust, and ownership of shared security responsibility?
- Are you carefully assessing the particular historical context or needs of the local community when planning on institutional interventions to address procedural justice issues?
- What are the current structural or legal issues that might impede progress or change?
- Have you considered:
 - diverse perceptions of reality?
 - process integrity?
 - unjust laws?
 - power dynamics?
 - policy change needs?
 - giving voice to the underserved?

Chapter 6. Coalition Building

Who will I need to bring together in my community to begin this process?

The importance of building a broad coalition of community support for oversight cannot be understated. In the absence of political support from local government or police officials, a strong community coalition can effectively advocate for additional resources, media and public attention, and push for action. Usually, the core group of persons who begin the process of implementation are not sworn police officers but volunteer citizen activists who jump at the window of opportunity that is provided by a civil disturbance, or other crisis. These few will then build a network of like-minded individuals, tapping into existing community-based organizations, civil society groups, and faith communities to assemble a visible coalition that is willing to engage policy and decision-makers in local government or key positions of influence.

Some of the initial work is therefore focused on building relationships and developing an effective strategy as to how to best intervene in key institutions. This is not work that is easily done alone, as no one individual or group is likely to possess all of the qualities necessary to effect the type of structural changes that are being sought. In light of this, teamwork is essentially a requirement.

Core leaders tend to be committed social justice advocates and other professionals willing to devote considerable time and energy to being change agents. They will likely need to be both courageous and compassionate to effectively address perceived injustice as well as the normal resistance to change that is inherent in most institutions. These leaders may be confronted with intense criticism and will need to exhibit emotional strength in order to facilitate the patience and the persistence that are required for success.

Coalition members will ideally be recruited from multiple sectors of society. They may include aggrieved citizens, elected officials, government workers, media professionals, academics, journalists, students, teachers, and current and former law enforcement officers. All of these groups represent community stakeholders who may have an influence on the eventual outcome of efforts to establish oversight.

Longevity in this field is almost always a function of a strong peer support network. Oversight practitioners need to be supported by those they can trust to maintain confidentiality and who can offer guidance from similar experience from their own jurisdiction. Police oversight can be stressful work, and it is undoubtedly helpful to be able to turn to others who have faced similar, if not identical, challenges.

Coalitions that involve persons with diverse backgrounds and expertise are more likely to provide long-term assistance in the development and implementation of civilian oversight of law enforcement. Multiple perspectives, such as those from those legal experts who work with offenders and victims, or from social workers who are connected to traditionally marginalized groups, will increase the likelihood of a broad acceptance of the institutional intervention that is desired.

Chapter 7. Engagement of community and government actors:

From whom do I gather input, and how will I ensure that I have all of the information needed to recommend the appropriate oversight mechanism to address the specific needs of my community?

It is essential that you effectively communicate the benefits of police oversight to everyone that you encounter in the government or the community. One strategy involves asking those you encounter about the future of policing that they wish their children and grandchildren to experience. You may then look for windows of opportunity to share some of the benefits you have learned from your own exposure to the field of oversight, as well as the positive experiences of other communities.

Police oversight can benefit not only the individual complainant, but also the larger community, law enforcement, and even elected or appointed officials. The actual benefits that occur depend on how well the involved groups work together and the type of model implemented. Some potential benefits are:

1. Complainants are given a place to voice concerns outside of the law enforcement agency.
2. Oversight can help hold law enforcement accountable for an individual officer's actions.
3. Oversight agencies can help improve the quality of the department's internal investigations of alleged misconduct.
4. The community at large can be reassured that discipline is being imposed when appropriate and as part of a more transparent process.
5. When the oversight agency confirms a complainant's allegation(s), complainants and their communities may feel validated.
6. Similarly, when the oversight agency exonerates an officer, the officer may feel vindicated.
7. Oversight agencies can help improve community relations by acting as a bridge between the community and the police agency.
8. Oversight agencies can help respond to public concern about high profile incidents.

9. Oversight agencies can help increase the public's understanding of law enforcement policies, procedures and operations.
10. Oversight agencies can improve department policies and procedures that have proven to be deficient. Policy recommendations can prevent future issues by identifying areas of concern and subsequently offering options to improve policing.
11. Oversight agencies can assist a jurisdiction in liability management and reduce the likelihood of costly litigation by identifying problems and proposing corrective measures before a lawsuit is filed.
12. Mediation of some complaints has multiple benefits to both citizens and police officers. It can help complainants feel satisfied by giving them the opportunity to express their concerns to the subject officer in a neutral and safe environment; and it can help police officers better understand how their words, behaviors, and attitudes can unknowingly affect public perceptions.
13. By establishing an oversight system, public officials are provided the opportunity to demonstrate their desire for increased police accountability and the need to eliminate misconduct.

All of these potential benefits help to support the goals of community-oriented policing, which seeks to utilize problem solving techniques to work in a collaborative effort with the community to proactively address concerns.

Chapter 8. Making Decisions Regarding the Model of Oversight Used

What information will I need to determine the appropriate accountability model for my community?

Structure

The first thing to consider when determining the appropriate model of oversight is the structure you believe will work best for your specific community. Generally an agency falls into one of four categories:

1. Conducts independent investigations
2. Reviews or hears appeals of internal police investigations
3. Audits or monitors police policy, training, and investigations, or conducts systemic investigations
4. Shapes or manages policy, advises chief law enforcement executives, or participates in hiring processes

Many current structures in the United States are considered hybrid models that combine multiple aspects of the above categories to create a mechanism that is believed to be the most advantageous. Current trends have seen the focus of oversight agencies move away from being reactive and move toward being proactive, with the aim of preventing misconduct rather than solely responding to it. There are more than 200 civilian oversight entities across the United States, and no two are exactly alike. Differences in specific function commonly result from what is permissible by state law or municipal ordinance, the autonomy allowed by the executive or legislative branch, and the relationship with, or access to, the law enforcement agency, its employees, and its records.

Duties, Powers, and Authority

In trying to evaluate the benefits and limitations of the different oversight models, it is important to understand that different levels of authority and independence will strongly impact the agency's credibility and perceptions of its value and impact. It is therefore important to think carefully about the agency's proposed duties, powers, and authority.

Investigatory Systems

These oversight systems conduct investigations; they do not rely on investigators or investigations from within the police department.

The range of authority under investigatory systems may include:

1. Conducting interviews of witnesses, including civilians and police officers
2. Gathering evidence
3. Preparing investigative reports
4. Making recommendations and/or findings as to whether the evidence supports the allegations raised in the complaint
5. Recommending discipline when warranted¹

Strengths and weaknesses of investigatory systems may include:

A. Strengths

- a. Helps to rebuild the trust of the community
- b. Addresses the concern that internal police investigations, which are often perceived as biased in favor of the police, are the only recourse available to a complainant

B. Weaknesses

- a. Adds to the size of staff and costs needed to run the oversight agency
- b. Police departments and police unions may be resistant to having non-police investigators conducting investigations

Review Systems

These systems involve an individual or a board/commission that is authorized to review completed internal affairs investigations; they can often issue agreement or disagreement with internal affairs findings; and they are usually allowed to review only cases that are investigated by the police.

The range of authority under review systems may include:

1. Reviewing completed investigations and providing feedback
 - a. Review may be conducted by a professional staff or by volunteer board members

¹ Primarily, investigative models of police oversight in the United States make recommendations for discipline when allegations of misconduct are substantiated. One model, the San Francisco Office of Citizen Complaints, investigates all allegations of misconduct filed against San Francisco police officers filed by the public. The OCC then presents the case to the Board of Police Commissioners, which has the authority to impose discipline, up to and including termination. More information about the Office of Citizen Complaints is available here: www.sfgov.org/occ.

2. Requiring additional investigation to be conducted if it is determined that the initial investigation was incomplete or otherwise inadequate
3. Holding public meetings
 - a. This, as well as the content of the meetings, may depend on state laws and union contracts

Strengths and weaknesses of review systems may include:

A. Strengths

- a. Provides a high level of transparency
- b. Facilitates involvement with the community
- c. Police departments may be more likely to take action on recommendations that are made publicly

B. Weaknesses

- a. May lack sufficient power to be effective
- b. May be limited in number of cases that can be reviewed
- c. Requires substantial time commitment of board members, who are often volunteers
- d. Entails systemic training of volunteer board members, which can be costly

Monitoring/Auditing Systems

Most commonly referred to as “auditors,” “monitors,” or “ombudsmen” these systems tend to have an ongoing monitoring or auditing authority over the police department. The oversight agency may actively engage in many or all of the steps of an established complaint process.

The range of authority under monitoring/auditing systems may include:

1. Receiving and classifying complaints
2. Providing input on the investigative process including planning, interviewing, and evidence collecting
3. Conducting systemic investigations
4. Assessing compliance with police department policies and relevant state and federal law, and
5. Evaluating the integrity and effectiveness of the police agency’s accountability systems
6. Crafting analytical and/or empirical reports and audits

Strengths and weaknesses of monitoring/auditing systems may include:

A. Strengths

- a. Allows for identification of issues with how complaints are handled from start to finish
- b. Facilitates identification of systemic issues with police training, policies and supervision
- c. Assesses effectiveness of early warning and discipline systems
- d. Helps to rebuild the trust of the community
- B. Weaknesses
 - a. Requires extensive data collection and analysis ability
 - b. Must seek ways to account for underreporting of issues by traditionally marginalized groups

Policy and Process Advisory Systems

Policy and process advisory systems are those that help to shape or manage policy, advise the head of the law enforcement agency, or participate in the law enforcement executive or line-officer hiring processes.

The range of authority under policy and process advisory systems may include:

1. Consulting with decision makers inside the police department
2. Evaluating the police department's needs and conducting best practices research
3. Drafting legislation and position papers

Strengths and weaknesses of policy and process advisory systems may include:

- A. Strengths
 - a. May result in expedient policy change, particularly when supported by the community
 - b. May often be less costly than systems that investigate and/or review individual complaints
- B. Weaknesses
 - a. Relies on the expertise and credibility of an established oversight practitioner
 - b. Relies on the stability of the head of the law enforcement agency, who may not be reelected or reappointed

Hybrid Systems

Most communities now realize that civilian oversight of police is not a one-size-fits-all proposition. President Barack Obama's Task Force on 21st Century Policing recognized as much. Many oversight practitioners are finding that it is less useful to talk about models and more useful to talk about an agency's functions or powers and authorities.

The powers and authorities granted to an oversight agency can be combined in any manner that works best for an individual community. While a volunteer review board may not have the resources to ensure each complaint and investigation is handled in a manner that guarantees transparency and accountability, it does add an important layer of community involvement, communication, and trust building. Being limited to reviewing completed investigations might be frustrating for some, while others find that a limited mandate allows for resources to be directed in such a manner so as to ensure that each review is thorough and maximize each opportunity for feedback and change.

Funding Mechanism/Budget

When deciding what model to implement, the needs of the community should be carefully assessed. Often, however, those needs outweigh the financial resources that have been made available. The actual level of support, both financial and political, may therefore heavily influence the decision as to what structure to implement.

In the United States, most oversight agencies are funded by, and are a part of, local city or county governments. In Canada and Australia, the funding mechanism is frequently at the provincial or state level. Funding in countries like England, Ireland, Northern Ireland, and South Africa is at the national level.

Civil society organizations commonly play an essential role in motivating the political will to provide the funds necessary to create and maintain oversight agencies. In the United States, examples of effective advocates for police oversight include the American Civil Liberties Union (ACLU), the League of Women Voters (LWV), the National Association for the Advancement of Colored People (NAACP), the American Friends Service Committee (AFSC), and many other community-based organizations.

Chapter 9. Crafting the Ordinance or Legislation Establishing Oversight

What are the things that I will need to include in the ordinance or enabling legislation to establish an effective oversight mechanism? Are there examples I can look to for guidance?

First, it may be necessary to determine whether the oversight agency will be created by an ordinance or within a municipal charter through a vote. Municipal charter authority is typically stronger, as an ordinance may be easier to overturn. There are other options, including executive order (i.e., ordered by a mayor or chief municipal executive); however, by executive order is a particularly weak means of establishing oversight as any future mayor could easily eliminate it.

The form the enabling legislation takes is usually a function of local standards, but in all cases it should include clear enabling language specifying what the oversight agency is authorized to do. The enabling legislation also may officially determine the agency's level of independence. Other sections of the language may address:

1. How will the head of the oversight agency be selected, what are the terms of the agency head's term of employment, and what are the necessary or desired qualifications for employment
2. How will volunteer board members be selected
3. What the qualifications (and disqualifications) are for being a board member
4. Whether independent legal counsel will be available to provide unbiased guidance to the agency when called upon
5. What professional standards will be used by and within the agency
6. What training or credentials are required for employees of the agency
7. From where will the agency receive funding for its budget
8. What will be the reporting requirements of the agency, such as quarterly or annual reports on things like complaint activity, investigative findings, police use of force, or discipline

In order to establish civilian oversight with lasting strength, it is advantageous to codify such strength within the enabling legislation as it is initially adopted. It is also critical to not leave any vague, or unclear, in the enabling legislation.

Chapter 10. Oversight personnel profiles and standards

*Who will fill our staff and volunteer positions within the oversight agency?
What background or qualifications should they have?*

Being a successful practitioner of citizen oversight of law enforcement requires meeting certain qualification standards and receiving ongoing training and professional development. Training and work qualifications may be different for directors, investigators, analysts, auditors, supervisors, and board members.

NACOLE has worked to legitimize police oversight as a professional field of study and practice and facilitated the development of professional standards, including a Code of Ethics, as well as core competencies and training guidelines for oversight practitioners. The NACOLE website (www.nacole.org) provides a list of suggested training topics and qualifications for full-time practitioners and volunteer board members, some of which are available in the Appendix. Some of these recommended qualifications are discussed in more detail below.

An agency director:

- A. Must be innovative and possess good judgment, objectivity and integrity
- B. Must be able to work effectively with a wide array of professional and elected stakeholders as well as with a multicultural community
- C. Should have exceptional communication skills and the ability to address both community and institutional concerns
- D. Must be able to manage people and organizations by setting goals, developing and implementing programs, supervising and managing personnel, and developing and managing a budget
- E. Must be resilient and possess strong diplomatic skills
- F. Must possess knowledge of general legal principals and statutory law, as well as practices and procedures related to conducting investigations and administrative hearings
- G. Should have strong knowledge of the rules and regulations governing police operations, organization and administration

A supervisory investigator:

- A. Should have a Bachelor's degree in a related field and at least five years of experience conducting civil, criminal or factual investigations
- B. Should possess the ability to plan, conduct and supervise complex investigations and provide training and supervision for other investigators
- C. Must have the ability to review and edit the work of other investigators to ensure that an investigation is thorough and that its findings and analyses are sound
- D. Must have knowledge of criminal justice procedures and the ability to establish investigative procedures and standards that are consistent with best practices in civilian oversight
- E. Should possess a commitment to civilian oversight and strong communication skills

First line investigators:

- A. Should have a Bachelor's degree in a related field and at least three years of experience conducting civil, criminal or factual investigations
- B. Should have knowledge of investigative techniques and procedures and the ability to conduct detailed factual interviews with aggrieved complainants, witnesses and police officers
- C. Should possess knowledge of evidence handling and preservation procedures, skip-tracing techniques to locate witnesses, and legal and criminal justice procedures
- D. Must have the ability to conduct investigations in an unbiased and independent manner, following the evidence wherever it may objectively lead
- E. Must be able to produce clear, concise, well organized and thorough investigative reports and communicate professionally and courteously with individuals from a wide variety of cultural and socio-economic backgrounds
- F. Must be resourceful and demonstrate sound judgment in collecting and developing facts, and must have the ability to analyze and apply relevant laws and regulations to the facts of each investigation

For an oversight agency to be perceived as credible and legitimate, staff or board or commission members must also acquire the knowledge and skills necessary to perform their assignment responsibly. For oversight mechanisms comprising volunteer board or commission members, the types and depth of relevant training depend on the role, duty, and authority of the board or commission. Each agency must critically assess the tasks and functions its members perform and subsequently determine the skills, expertise, or training they will need to perform them effectively.

It is often helpful for board and commission members to receive an initial orientation to civilian oversight that includes a review of the variety of models of oversight. Members should be provided with an historical account of the establishment of their own oversight agency and receive training on the charter, ordinance, or other enabling legislation. Members should also be informed of the expectations that the local community and government stakeholders have expressed for the oversight agency.

Additional education should include laws governing public records and public meetings; confidentiality requirements; state and local laws that affect an officer's rights and privacy; case law on stops and detentions, search and seizure, the rights of an arrestee, and the definition of excessive force; and steps in the criminal justice process including arrest, booking, arraignment, bail, hearings, and trial.

Members should receive information on the history, organization, policies and procedures, and evolution of the local law enforcement agency and should receive extensive training on a wide variety of police practices and procedures, including, but not limited to the following: patrol; rules of conduct; procedures for detention, arrest, booking, transport, and provision of medical care for arrestees; use of force guidelines including defensive tactics, takedown and pain compliance maneuvers, handcuffing techniques, use of batons, less-lethal weapons, or restraint devices, and use of firearms. Members should receive training on the police department's procedures for investigating and reviewing allegations of misconduct and use of force, including officer-involved shootings and in-custody deaths; addressing activities such as large-scale protests; and handling calls or interactions with historically disenfranchised and marginalized communities, such as persons with mental illness, the LGBTQ community, homeless individuals, and persons with disabilities.

Members should also become familiar with the history, culture, and concerns of the communities served by the law enforcement agency. Finally, members should receive specific training on their oversight agency's operations and procedures including complaint intake and investigation, mediation, if available, data analysis practices, and disciplinary procedures; evaluating credibility, reaching findings, and due diligence requirements; procedures for hearings and meetings; and developing policy recommendations. Board and commission members should be encouraged to participate in ride-along opportunities with their local police department, too.

These orientation, training, and continuing education activities are essential for nearly all persons within the oversight structure, regardless of whether that person is a paid staff member or a volunteer board member and regardless of the model of oversight. All oversight practitioners should strive to be well prepared, and they should be justifiably perceived as knowledgeable by the public and the police in order to maximize the probability of earning lasting support.

Chapter 11. Establishment of Policies and Procedures

How will I carry out the day-to-day operations of the agency? How can I ensure that the policies and procedures help to achieve the goals and meet the community's needs?

It is strongly recommended that policies and procedures from existing oversight agencies be carefully studied before deciding what's best for the new or strengthened agency. The Appendix section includes links to NACOLE member organizations, as well as international resources, with examples of enabling legislation, regulations, and procedures from agencies across the United States. When contacted directly, many agencies are ready and willing to candidly discuss the pros and cons of their own structures, policies, and procedures.

Oversight agencies will be well served to consider the following issues when establishing their day-to-day operational policies and practices:

1. Complaint screening method and criteria
2. Strategies for looking beyond the police department's disciplinary system and individual cases of alleged misconduct
3. Identifying opportunities for proactively and collaboratively working with law enforcement agencies to improve operations and internal systems of accountability
4. Selection criteria for volunteer board and committee members
5. Training expectations
6. Compensation for expenses of volunteers (i.e., travel to and from meetings, training, and professional development opportunities)
7. Levels of investigation, review, or monitoring available given available resources

Procedural impediments can sometimes result from a lack of up-front attention to foreseeable variations in financial resources. For example, if an agency starts out with sufficient funding to conduct formal, thorough, and complete investigations or reviews of all complaints presented, and the agency commits to maintaining that standard regardless of future declines in available budgetary funds, the agency may quickly find itself subject to case backlogs that are sure to negatively impact its credibility in the community. Depending on the security of funding, it may therefore be preferable for some agencies to focus their resources on those complaints or issues determined to have a significant policy impact on the community as a whole.

Chapter 12. Properly Acknowledging Victims of Misconduct

How can we support victims of real or perceived police misconduct or criminal acts committed by police officers?

It is very important to realize that a victim's reality is based on his or her own experience and not on an oversight practitioner's expertise. It is generally not prudent for an oversight practitioner to listen to a complaint and immediately respond with a statement or conclusion that the police officer's action did or did not violate police department policy – even when that may appear to be the case. Oversight agencies must honestly project themselves as caring places where people can expect a welcoming ear and a helpful response. One of the most crucial needs of someone who feels they have been mistreated by law enforcement is the need to have their concern genuinely heard and acknowledged, regardless of the eventual outcome of any forthcoming investigation.

One important way to ensure that victims of wrongdoing are being properly acknowledged by oversight is to train staff to become active listeners. Among other things, this requires training in withholding premature judgments or attempting to educate the complainant on police department policy before hearing the complainant's full concern.

The initial intake of a complaint can often be the most important encounter the complainant will have with an oversight agency. Complainants should be assured that their story will be heard as they want to state it, and that the information will be carefully screened to determine what action the agency may take within its established authority.

Some oversight agencies form screening committees to examine each new complaint and ensure that it is processed in accordance with the agency's duty and authority. Ideally, such screening committees should include multiple members with a goal of ensuring that any potential ethnic, race, gender or age-related bias be minimized as much as possible.

Acknowledging victims can also help them understand what limitations exist in oversight's ability to respond to their concerns. It is deeply important not to create false expectations by overpromising what can be done. This requires every member of an oversight agency, staff at all levels included, to know what alternative external resources may be available for those cases that the agency is not allowed to take on itself. Every discussion at a case screening should include where to refer the complainant if no action is possible by the agency on the complainant's behalf.

Chapter 13. Gathering and Analyzing Data

What information can or should I gather and analyze that will allow me to better understand police misconduct and the need for continued accountability measures in our community?

How can we use these data to make recommendations for effective changes?

A review of annual reports from various oversight agencies reveals there is great variety in what is included in these documents. This variety of information is often a result of the type of oversight model that is employed, as well as the specific requirements of the local enabling legislation.

Even with these differences, at a minimum, descriptive statistics should be offered to give a sense of the demand for civilian oversight and the justification of utilizing resources to support an oversight agency. These statistics may include internal metrics of the level of agency performance:

1. Number of service inquiries
2. Number of complaint intakes
3. Screening case categorization distributions
4. Case disposition distributions
5. Policy recommendations

Some agencies include process measures as well in their periodic reports. These measures may include:

1. Number of cases backlogged or waiting for service
2. Average time taken to complete an investigation
3. Staff caseload distribution
4. Average time taken to reach a final disposition in a case

Reported outcome measures vary a great deal from agency to agency as they depend on localized needs and are affected by the complexity of cases worked. A sample of outcome measures that are reported on may include:

1. Number of complaints determined to be Unfounded
2. Number of complaints determined to be Not Sustained
3. Number of complaints determined to be Sustained
4. Number of complaints determined to be Exonerated

5. Number of complaints for which the oversight agency did not have jurisdiction to investigate or reach a finding
6. Number of complaints that were Administrative Closed for reasons such as the following:
 - a. Loss of contact with the complainant
 - b. Investigation of the complaint was determined to be demonstrably false on its face

In crafting periodic reports on the work of your oversight agency, it is advisable to emphasize police department policy changes that have taken place as a result of your work. To provide the public with them most complete picture of your agency, you should also consider providing data that illustrates any resistance to a recommended policy change as well.

It is also critical to present and analyze data from the police department. This may include²:

1. Police use of force, broken down in a way that can be understood by police management, local government, and the public
2. Injuries to and deaths of persons in custody
3. All complaints and their dispositions
4. Stops, searches, and arrest data that includes sufficient demographic data
5. All criminal proceedings, including domestic violence
6. Motions to suppress granted based on officer's constitutional violation(s)
7. All disciplinary and non-punitive action taken against employee
8. All awards and commendations
9. Traffic collisions, both preventable and non-preventable
10. Firearms qualifications
11. Assignments
12. Training
13. Civil lawsuits and administrative claims
14. Vehicle pursuits

² The United States Department of Justice has required similar measures be gathered in early warning systems, sometimes referred to as early intervention systems, by local American law enforcement agencies.

Chapter 14. Goal Measurement

What information can or should we gather and analyze that will us to measure our agency's impact (e.g., complaint sustain rates, levels of community satisfaction, levels of community trust, lawsuits, settlements, uses of deadly force, policy changes, compliance rates, or early warning system indicators)?

With the goal of improving the public's trust in the police, surveys of the public and police can be a useful method for obtaining repeat measures in levels of trust and mutual cooperation and support over time. A local university can be an important partner to help create valid research instruments suited to the community served. This effort is further aided by data provided by police agencies. To ensure cooperation in this effort, provisions for access to police data should be specified in the enabling legislation.

If appropriate, the tracking of monetary settlements of lawsuits or the awards made to victims of police misconduct will help measure the success and cost efficiency of an agency over time (See Chapter 13 above).

Complainant and respondent satisfaction measures are used by a few agencies but so much depends on how these are constructed and implemented that they are not usually recommended as the best way to demonstrate agency impact. Most agencies work for the greater good of the community, not on the side of either complainant or respondent. This need for maintaining neutrality often causes dissatisfaction for one of the two parties.

An agency that can document major police department policy changes is more likely to survive than one that closes hundreds of complaint cases but cannot document changes in policy.

It is important to occasionally sample community groups to get a sense of how many people know that your agency exists. It is recommended that each agency sets goals to increase the percentage of citizens that not only are aware of the agency but have had opportunities to meaningfully engage with the process and help improve public safety in their own community.

Chapter 15. Writing Reports

What reports will we need to produce to sustain a level of transparency regarding police conduct and the work being done by our agency?

Writing is an essential skill in the practice of civilian oversight and it is always a good to remember the audience. A report that uses a lot of technical jargon and bureaucratic speech may not be the best way for a citizen to capture what they need or want to know.

You will need to develop a format that works for use in your particular community. Many examples are available, including on the NACOLE website. For example, reports produced by agencies that manage a complaint processing system may include:

1. A summary of the complainants articulation of what happened, when, where, etc.
2. The policy violation alleged
3. A description of the investigation methods
4. A summary of the respondents position statement
5. The agency disposition of the complaint
6. Policy recommendations

The agency will at times be called on to do special reports that may incorporate multiple complaints stemming from a civil disturbance, use of excessive force during a permitted demonstration, or a request by an elected official or judicial authority to conduct an inquiry focused on a particular kind of wrong doing, like profiling during traffic stops. Whatever the reason for the report, clear, objective, and fact-based writing and analysis are critical to an oversight agency's ability to effect change.

Chapter 16. Conducting Outreach and Communicating with the Public

What steps can we take to communicate and engage with the community that will allow us to develop continued understanding of their needs AND allow them to know what work is being done by the oversight agency?

The need to hear from, and meaningfully engage with, the community and to give the community a voice in policing has been a significant part of oversight's history dating back to its growth following the Civil Rights Movement of the 1960s. Different approaches to communicating and engaging with the community have been adopted over the years, some successful and some not. Recent developments like social media, for example, offer important opportunities to connect with stakeholder groups in new and exciting ways. Engaging youth, through outreach in the schools, through social media and online public service announcements, including “know your rights” guides to interacting with the police, should be a priority of any oversight agency.

Agencies should also have a clear policy for releasing information to the public, and all staff or board or commission members must follow it carefully. It is recommended that all media contacts be managed or designated by the agency director, board chair, or designated public information officer. In addition, the community outreach or public information officer on staff should be authorized to prepare press releases to alert the media every time you have something important to report to the community.

Community outreach is usually the responsibility of the agency Director or a dedicated staff person who is highly visible in the community and is particularly skilled at community engagement. Unfortunately, this staff position is often the first one cut when there is a budget deficit. It is important to remember that the best community outreach is by word of mouth from persons who have been served by your agency. However, initially, very few people will know that you are open for business and a full blown media campaign is a very good idea. Some agencies will put up posters on busses and trains to announce their availability to a large segment of the population.

Police oversight agencies must be on radio and television programs to help educate the populace and market your services. Participating in community events and networking opportunities will make the agency more visible.

One important partner in an overall outreach and engagement strategy is the independent press. Therefore, relationships with local, regional, and national press partners are something that should be cultivated and attended to regularly. bhhbni9

Chapter 17. Characteristics of Effective Oversight

What are the necessary components of effective oversight?

There is no right answer as to what an effective police oversight body “must” look like. Over time, many have found that flexibility is key; however, there are some features that effective police oversight shares, and they are as follows:

- A. Independence. The oversight body must be separate from all groups in order to garner trust by being unbiased.
- B. Adequate funding. Oversight bodies must have enough funding and spending authority to fulfill the duties set forth in the enabling legislation. This includes enough money for adequate staff and money to train that staff.
- C. Complete and unfettered access. This includes access to all police agency personnel and records, but it also means access to decision makers in both the law enforcement agency and elected officials.
- D. Ability to influence decision-makers. The ability of oversight to provide input and influence micro-level decisions (i.e., individual use of force or complaint investigations) and macro-level decisions (i.e., policy-related or systemic issues)
- E. Ample authority. Whatever the model of oversight, it must have enough authority to be able to carry out its mandate and stand up against the inevitable forces and pressures that will the organization and its staff will face.
- F. Community and stakeholder support. Maintaining community interest and support is important for sustaining an agency through difficult times, especially when cities or governments look to cut services and budgets.³
- G. Transparency. Reporting publicly provides transparency and accountability to the community, and typically includes complaint analysis and other observations about the law enforcement organization and its practices. Reporting also increases public confidence in the oversight agency, as much of the work related to complaint investigations may be confidential and protected from public disclosure.⁴

³ <http://nacole.org/wp-content/uploads/Oversight-in-the-United-States-Attard-and-Olson-2013.pdf>

⁴ <http://nacole.org/wp-content/uploads/Oversight-in-the-United-States-Attard-and-Olson-2013.pdf>

Chapter 18. Ongoing Training and Professional Development

What steps can we take to build on and enhance staff and volunteer skills, knowledge, and abilities?

Every opportunity to advance the knowledge and skills of staff and volunteers is a wise investment. Experts from other jurisdictions or organizations like NACOLE can provide basic and advanced training initially, at least until systems are developed locally to ensure that oversight meets local needs.

It is also recommended that as many staff and supporters as possible attend any training conferences that may be offered in other countries, states, or jurisdictions.

Who should attend training events?

1. Oversight agencies, their members, and staffs
2. Elected officials and other representatives of local governments
3. Members of civic, civil rights, and other advocacy groups that seek to promote greater police accountability
4. Law enforcement agencies and their staffs that seek to learn more about citizen oversight and that also want to broaden their knowledge of police accountability issues
5. Academics, researchers, and students who are conducting or planning to conduct research in this area
6. Journalists and others interested in learning more about citizen oversight developments in the United States and abroad

What kinds of technical assistance, advice, and training should be offered to communities that want help?

The agency should develop and provide a clearinghouse of information for communities that want to start up new oversight agencies or improve already existing ones. A website that contains many useful resources and materials should be made available to everyone.

Will training be required?

Training should be offered at multiple levels so that newcomers can access basic information and experienced persons may take more advanced sessions aimed at the enhancement of skills.

The Appendix section includes examples of the knowledge incorporated in training events conducted by NACOLE.

Who will provide the training and how often?

The answer to this question depends on what funding resources are available. Developing a local support network that allows staff and members to acquire new knowledge or skills is important. Seeking advice and information from experts is also important. Eventually, as funding materializes, oversight agencies should prioritize continuing education and professional development opportunities so as to keep up with new developments in this specialized field of study and practice.

Chapter 19. Conclusion – Identifying and Addressing Challenges and Opportunities

What challenges will we face right now? What challenges will we face in the near-term or will they be ongoing? What opportunities exist to advance the agency's mission and provide effective oversight of the police?

Any agency, no matter its tenure, will be subjected to many different challenges over the developmental course of its existence. Initially, the agency must build credibility, which requires a great deal of patience and persistence. Staff and volunteers must be well trained. Critics and supporters will need to be informed about the role, authority, and limitations of the model of oversight. Diluted systems should be avoided. Inadequate funding, lack of independence, and the lack of access to critical information will make a skeptical public even more skeptical and will not result in real change in policing.

One of the first questions to consider is whether the oversight system will focus on the traditional realm of complaints or if the community sees a broader role for oversight. Many oversight agencies have merged features from the different systems to address their specific needs. Still, if systems are too weak to be effective, they will fail or simply wither before healthy change in police culture can be achieved.

It is a good strategy to be known as a creative agency that changes over time to address the current needs of the community. If the investment is made and pays off in improved police performance, it should help identify high-risk law enforcement employees or high-risk areas of operation. Greater confidence in law enforcement also pays off in reduced crime and safer communities, as more people are willing to report crime and testify in criminal cases.

All oversight bodies have limited authority and civilian oversight alone cannot ensure police accountability. Genuine change must be seen as desired by law enforcement leadership. And oversight must be seen as contributing to the solution. Additional internal and external mechanisms are needed. Consider characteristics of the population, law enforcement agency being overseen, and local, state, and federal law, among other critical information, when deciding what type of system will best suit a community's unique needs and resources.

The 21st Annual NACOLE Conference in Riverside, California, featured an important session facilitated by principals from the National Initiative for Building Community Trust and Justice, an effort designed to improve relationships and increase trust between communities of color and the criminal justice system. More information about the National Initiative can be found on their website, <http://trustandjustice.org>. NACOLE

was invited to participate, and has been working to ensure citizen oversight has an important role to play in their programmatic efforts. They report that:

- A. Reconciliation facilitates frank conversations between communities and law enforcement that allow them to address historic tensions, grievances, and misconceptions between them and reset relationships.
- B. Procedural justice focuses on how the characteristics of law enforcement interactions with the public shape the public's views of the police, their willingness to obey the law, and actual crime rates.
- C. Implicit bias focuses on how largely unconscious psychological processes can shape authorities' actions and lead to racially disparate outcomes even where actual racism is not present.

In response to protests over the fatal shooting of Michael Brown in Ferguson, Missouri, as well as other incidents nation-wide that exposed the rift in the relationships between local police and the communities they are sworn to protect and serve, President Barack Obama established the Task Force on 21st Century Policing. The President charged the task force with identifying best practices and offering recommendations on how policing practices can promote effective crime reduction while building public trust.

The task force released its final report in May 2015. The final report is available here: www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf. The report provides a road map of sorts, for communities and law enforcement agencies to use in their efforts to reform and rebuild public trust. Civilian oversight alone is not sufficient to gain legitimacy; without it, however, it is difficult, if not impossible, for the police to maintain the public's trust.

Appendix

Summary of “Thirty Principles of Community Oversight of Policing” presentation by Dr. Eduardo I. Diaz at the Causa en Común 4th National Conference

1. **Affirmation** **Repeatedly affirm supra-ordinate common goal:**
Public Safety, Shared Security Responsibility, and Resist Us versus Them Thinking, Value Diverse Perceptions and Experience of Reality.
2. **Commonality** **Learn from international experience:** Power and Influence, Listening to All, Current Events, Reinvention Prevention, and Corruption Variables.
3. **Cooperation** **Partners don’t always agree:** Desirable Policing, Constructive Peace and Conflict, Commendations and Criticisms, Building Community.
4. **Trust** **Work to earn community trust:** Assessment of Wants, Accountability, Criticism Expectation, Admission of Imperfection, Surveys.
5. **Integrity** **Be known for independent judgment and fairness:**
High Standards, Thorough and Complete, Preservation of Evidence, How You Treat People, Speaks Truth to Power.
6. **Complexity** **No model is the best fit for all time:** Community History, Culture and Political Context, Evidence Quality, Memory, Power Dynamics, Laws.
7. **Compassion** **Realize cops, and critics, are human first:**
Prejudice and Implicit Bias, Human Nature, Victim and Offender, Understanding Privilege.
8. **Teamwork** **Do not work alone:** Fellowship of Parenting, Screening, No One Irreplaceable, Multiple Perspectives, Cross Training, Age and Gender Balance.
9. **Teaching** **Educate police and critics:** Human Rights, Constitutional Policing, Restorative Justice, Consequences of Militarization, Legitimate Actions.

10. **Confidentiality** **Trust is difficult to earn and easy to lose:**
Respecting Both Confidentiality and Procedural Transparency, Quiet Diplomacy,
Some Things are Best Unsaid, Consider Safety.
11. **Independence** **Struggle to achieve and maintain independence:**
Funding, Politics, Staff, Boards, Credibility, Reporting Relationships, Conflicts of
Interest.
12. **Authority** **Legislate the strongest possible at the time:**
Windows of Opportunity, Changes by Design, Voting, Moral Authority,
Consensus or Sense of the Meeting.
13. **Efficiency** **Wisely invest time and treasure:** Screening,
Selection, Training and compensation, Investigation, Policy Impact, Procedural
Impediments.
14. **Belonging** **Create a support group of fellow travelers:** Peer
Support Network, Professional Mentoring, Respect of Elders, Professional Tribe,
Not Alone.
15. **Truth** **Be genuine, honest and respectful:** Media
Relations, Community Outreach, Situational Variables, Lawful but Awful,
Varieties of Truth.
16. **Partnerships** **Work to attract allies:** Civil Society Group Activity,
Faith Community Partners, Enhancing Community Cooperation, and
Engagement Workshops.
17. **Intention** **Act to build, not weaken, community engagement:**
Citizen Clients, Partners, Patience and Persistence, Peace with Justice, Safe for
all Security.
18. **Change** **Learn from every injustice and error:** Resistance
Analysis, Mining Complaints, Policy Change, Disparate Outcomes, and Unjust
Law Modification.
19. **Creativity** **Be creative with conflict management:**
Police/Community Workshops, Nurturing Relationships, Crisis Utilization, Timing
Interventions.
20. **Openness** **Be open to new or different methods:** Risk
Management, Technology, Mediation, Outside Typical Process, Science,
Restoring Confidence.

21. **Assessment** **Measure success by greater good, not win/lose:** Evaluation Criteria, Recurrent Queries, Continuing Revelations, and Multiple Perspective Analyses.
22. **Accountability** **Focus on accountability, not blame:** Understanding Family Violence Dynamics, Self-deception, Wrongdoing Reporting Resistance, Street Credibility.
23. **Learning** **Study Organizational Structure, Process and Outcomes:** Models and Pitfalls, Over-reaching Mistakes, Error Analysis, Chain of Causality.
24. **Development** **Helps people grow and take over:** Caring for Others, Support, Empowering Volunteers and Staff, Professional Development/Training.
25. **Listening** **Hear all voices, help them be heard:** Gives Voice to Underserved, Minority Reports, Thorough Intake Sensitivity, Least We Can Do.
26. **Ethics** **Respected by peers:** Open to Evidence, Competence, Investigatory Credibility, Professional Code of Conduct, Training, Due Process.
27. **Humility** **Accept your limitations:** Arrogance Insurance, Value Dissent, Credit Etiquette, Awards as Opportunities, Gift Recognition, Honoring Founders.
28. **Courage** **Choose battles with long term vision:** Honorable Retreats, Limitations of Sacrifice, Tough Skin, Necessity of Criticism, and Emotion Acceptance.
29. **Wisdom** **Know when to struggle and when to accept:** Letting Go, Retirement, Succession Planning, Continuing Improvements, Best Current Practice.
30. **Responsibility** **Grow the Movement:** Sharing Experience, Lessons Learned, Skill Development, Early and Mid-Career Empowerment, Startup Assistance.

Certified Practitioner of Oversight Recommended Reading List

NACOLE offers a Certified Practitioner of Oversight (CPO) Credential through its annual conferences. This program recognizes oversight practitioners who have achieved a high level of professional oversight training and encourages employers and oversight agencies to financially support and encourage participation in these voluntary training programs. To earn the CPO Credential, a person must participate in designated training sessions at three qualifying conferences in a five-year period, and satisfy supplemental reading requirements. The 2008 NACOLE Conference was the first qualifying conference for this program. The Credential is valid for five years from the date of the first qualifying conference.

Please select any two from the list to complete the reading requirement of the certificate program.

Scholarly Books

- Balko, Radley. *Rise of the Warrior Cop: The Militarization of America's Police Forces*. (Public Affairs, 2013)
- Bayley, David H. *What Works in Policing*. (Oxford, 1998)
- Buren, Brenda Ann. *Evaluating Citizen Oversight of Police* (LFB Scholarly Publishing LLC, 2007)
- Chevigny, Paul. *Edge of the Knife: Police Violence in the Americas* (The New Press, 1997)
- Human Rights Watch (Allyson Collins). *Shielded from Justice: Police Brutality and Accountability in the United States*.
- Dunn, Dr. Ronnie and Wornie Reed. *Racial Profiling Causes & Consequences* (2011)
- Goldsmith, Andrew J. *Complaints Against the Police: The Trend to External Review* (Clarendon Press, 1991)
- Goldsmith, Andrew J. *Civilian Oversight of Policing: Governance, Democracy and Human Rights* (Hart Publishing, 2000)
- Gottschalk, Petter. *Policing the Police: Knowledge Management in Law Enforcement* (Nova Science Publishers, 2009)
- Harris, David A. *Profiles in Injustice: Why Police Profiling Cannot Work*. (New Press, 2002)
- Jones, Gareth. *Conducting Administrative, Oversight & Ombudsman Investigations*. (Perfectbound, 2009)
- Kappeler, Victor, Richard Sluder and Geoffrey Alpert. *Forces of Deviance: Understanding the Dark Side of Policing* (Waveland Press, 1998)
- Klinger, David. *Into the Kill Zone: A Cop's Eye View of Deadly Force*. (Jossey-Bass, 2006)
- Lersch, Kim M. *Policing and Misconduct* (Prentice Hall, 2002)

- Noble, Jeff and Geoffrey Alpert. Managing Accountability Systems for Police Conduct: Internal Affairs and External Oversight (2008)
- Perez, Douglas W. Common Sense about Police Review. (Temple University Press, 1994)
- Prenzler, Tim. Preventing Misconduct and Maintaining Integrity: Advances in Police Theory and Practice (2009)
- Perino, Justina. Citizen Oversight of Law Enforcement. (ABA, 2007)
- Skolnick, Jerome H. and James J. Fyfe. Above the Law: Police and the Excessive Use of Force (Free Press, 1994)
- Walker, Samuel. Police Accountability: The Role of Citizen Oversight. (Wadsworth Professionalism in Policing Series, 2001)
- Walker, Samuel and Archbold, Carol. The New World of Police Accountability. (Sage Publications, 2013)
- Wilson, James Q. Varieties of Police Behavior. (Athenaeum, 1968)

U.S. Constitutional Law

- Sue Davis. Corwin and Peltason's Understanding the Constitution. (17th ed., 2008)
- Domino, John C. Civil Rights and Liberties in the 21st Century. (2010)

Biographical Books

- Domanick, Joe. To Protect and to Serve: The LAPD's Century of War in the City of Dreams. (Figueroa Press, 2003)
- Quinn, Michael W. Walking with the Devil: The Police Code of Silence: What Bad Cops Don't Want You to Know and Good Cops Won't Tell You. (Quinn and Associates Publishing and Consulting, 2011)

Peer-reviewed Articles, Publications, and Reports

- Bobb, Merrick. "Civilian Oversight of the Police in the United States," Saint Louis University Public Law Review, Volume 22, Number 1. (2003)
- Bobb, Merrick. "Internal and External Oversight in the U.S.," PARC Issues Paper. (October 2005)
- De Angelis, Joseph and Kupchik, Aaron. "Citizen Oversight, Procedural Justice, and Officer Perceptions of the Complaint Investigation Process", Policing: An International Journal of Police Strategies & Management, Vol. 30 Iss: 4, pp.651 – 671 (2007)
- De Angelis, Joseph, "Assessing the Impact of Oversight and Procedural Justice on the Attitudes of Individuals Who File Police Complaints," Police Quarterly, Volume 12, No. 2, 214-236. (June 2009)
- Ferdik, Frank, Jeff Rojek and Geoffrey P. Alpert., "Citizen Oversight in the United States and Canada: An Overview," 14 Police Practice and Research, 104-116 (2013)

- Finn, Peter, "Citizen Review of Police: Approaches and Implementation," National Institute of Justice (March 2001)
- Iris, Mark, "Illegal Searches in Chicago: The Outcomes of 42 USC 1983 Litigation," 32 St. Lewis University Public Law Review 123 (2012)
- Livingston, Debra. "The Unfulfilled Promise of Citizen Review." Ohio State Journal of Criminal Law, 653-669 (2004)
- Lopez, Christy E., "Disorderly (mis)Conduct: The Problem with 'Contempt of Cop' Arrests," American Constitution Society. (June 2010)
- Miller, Joel and Cybele Merrick. "Civilian Oversight of Policing: Lessons from the Literature," Vera Institute of Justice, Global Meeting on Civilian Oversight of Police, Los Angeles, May 5-8, 2002 (2002)
- Stone, Christopher, Todd Foglesong and Christine M. Cole, "Policing Los Angeles Under a Consent Decree: The Dynamics of Change in the LAPD," Program in Criminal Justice Policy and Management, Harvard Kennedy School (May 2009)
- International Association of Chiefs of Police, "Protecting Civil Rights: A Leadership Guide for State, Local, and Tribal Law Enforcement. (September 2006)
- Police Assessment Resource Center, "Review of National Police Oversight Models for the Eugene Police Commission." (February 2005)
- Pitcher, Kris E., André Birotte, Jr., and Django Sibley, "Developing Effective Interactions," The Police Chief 77: 46-48, (May 18, 2010)
- Prenzler, Tim and Colleen Lewis, "Performance Indicators for Police Oversight Agencies," Australian Journal of Public Administration, Vol. 64 Issue 2, 77 – 83. (May 31, 2005)
- Schwartz, Joanna C., "What Police Learn from Lawsuits," 33 Cardozo Law Review 841 (February 2012)
- U.S. Department of Justice. "Principles for Promoting Police Integrity: Examples of Promising Police Practices and Policies." (January 2001)
- U.S. Department of Justice. "Taking Stock: Report from the 2010 Roundtable on the State and Local Law Enforcement Police Pattern or Practice Program, 42 USC § 14141, NCJ 234458. (September 2011)
- Vera Institute of Justice, "Building Public Confidence in Police through Civilian Oversight." (September 2002)
- Walker, Samuel. "The New Paradigm of Police Accountability: The US Justice Department 'Pattern or Practice' Suits in Context," 22 Saint Louis University of Public Law Review 3 (2003)

U.S. Department of Justice, Civil Rights Division

- Findings Letters
 - Ferguson Police Department: Findings Report (2015)
 - Newark Police Department: Findings Report (2014)
 - Albuquerque Police Department: Findings Letter (2014)
 - Cleveland Division of Police: Findings Letters (2014)
 - City of Miami Police Department: Findings Letter (2013)
 - Los Angeles Sheriff's Department: Antelope Valley stations (2013)

- Portland Police Bureau: Findings Letter (2012)
- New Orleans Police Department: Findings Report (2011)
- Puerto Rico Police Department: Findings Letter (2011)
- Seattle Police Department: Findings Letter (2011)

Special Independent Commissions/Blue Ribbon Reports

- Final Report of the President's Task Force on 21st Century Policing. (2015)
- U.S. Commission on Civil Rights. Who is Guarding the Guardians? A Report on Police Practices. (1981)
- U.S. Commission on Civil Rights. "Revisiting 'Who is Guarding the Guardians?'" (November 2000)
- National Advisory Commission on Civil Disorders (Kerner Commission). (1968)
- Report of the Independent Commission on the Los Angeles Police Department (Christopher Commission). (1991)
- Five Years Later: A Report to the Los Angeles Police Commission on the Los Angeles Police Department's Implementation of Independent Commission Recommendations. (1996)
- Los Angeles County Sheriff's Department: Report by Special Counsel James G. Kolts and Staff. (1992)
- Los Angeles County Citizens' Commission on Jail Violence. (September 2012)
- The City of New York, Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department (Mollen Commission). (1994)
- Rampart Independent Review Panel. "Rampart Reconsidered – The Search for Real Reform Seven Years Later." (2000)

Approved by the NACOLE Board of Directors 2015.

Recommended Training for Board and Commission Members

NACOLE is committed to establishment, development, education and technical assistance for local civilian oversight agencies. NACOLE is also committed to supporting the training of appointed board, committee, and commission members so that they may acquire the understanding, knowledge, and skills necessary to perform responsibly in their assignment in civilian oversight in law enforcement.

Providing new members with the information they need to perform effectively is a critical step in the development of a strong board or commission. The responsibilities for developing and implementing an effective program of board orientation are shared between oversight practitioners and the board itself. There must be a commitment to developing a well-informed board, one with the knowledge needed to lead an effective organization.

Civilian oversight boards are comprised of individuals with a variety of backgrounds. They have differing life, cultural, professional and educational backgrounds and varying degrees of exposure to law enforcement and corrections professionals, municipal government operation, the criminal justice system, and the full and diverse range of communities served by local law enforcement agencies.

The types and depth of relevant training depend on the role, duties and authority of the board or commission. Some boards and commissions review all documents, statements and evidence discovered in investigations while others render decisions based on summaries or presentations by agency investigators or law enforcement managers. Others deal solely with broader policy issues. Each agency must critically assess the tasks and functions its members will perform and determine the skills, expertise or training they need to acquire in order to perform their duties. As such, NACOLE has not mandated minimum structured training programs or hourly classroom requirements in connection with member appointments.

1. Orientation

a. Civilian Oversight of Law Enforcement

- i. Civilian Oversight of Law Enforcement
- ii. Models of Civilian Oversight

b. Local Oversight Agency

- i. Historical Account Leading to establishment of the oversight agency
- ii. Charter, Ordinance, Municipal Code establishing oversight agency
- iii. Community Expectations of Oversight Agency
- iv. Local Government Expectations of Oversight Agency

c. Legal Considerations

- i. Public records and public meeting laws
- ii. Confidentiality requirements
- iii. State / Local Laws relating to peace officers' personnel actions, rights and privacy
- iv. Case law concerning stops & detentions, search, seizure and arrest, rights of arrested persons
- v. Steps in the criminal justice process: arrest, booking, arraignment, bail, hearings, trial

d. Local Law Enforcement Agency

- i. Organization, history, and cultural evolution of the law enforcement agency
 - 1. Role and responsibilities of patrol, custodial and specialized units
 - 2. Chain of command and supervisory responsibilities
 - 3. Written communication system and training procedures
- ii. Patrol practices and procedures
 - 1. Duties of patrol officers, sergeants and managers
- iii. Rules of conduct for officers
- iv. Agency procedures re: detentions and searches of persons and vehicles
- v. Booking, custody and prisoner transport procedures
 - 1. Medical screening
 - 2. Handling and processing of prisoner property
- vi. Juvenile procedures
- vii. Traffic stop procedures
- viii. Use of force guidelines and procedures (lethal and non-lethal). For example,
 - 1. Defensive tactics
 - 2. Takedown and pain compliance holds and maneuvers
 - 3. Handcuffing techniques
 - 4. Baton use
 - 5. Use electronic control devices, OC spray, and restraint devices

6. Firearms

- ix. Investigation and review of shootings and in-custody deaths
- x. First amendment activities
- xi. Training, resources and procedures for dealing with mentally disturbed individuals and individuals under the influence of drugs or alcohol
- xii. Community and cultural awareness: Understanding the history, culture, and concerns of communities served by the law enforcement agency
- xiii. Community relations and outreach
- xiv. Biased based policing / racial profiling
- xv. The complaint, investigative and disciplinary processes
- xvi. Mediation of complaints
- xvii. Evaluating credibility and reaching findings
- xviii. Procedures and practices for misconduct investigations, including interviewing and report writing, collection and preservation of evidence, sources of information, and due diligence standards.

e. Board Procedures

- i. Intake Procedures
- ii. Investigative Procedures and Practices
- iii. Hearings / Meetings
- iv. Case Review, Presentation, Findings
- v. Communications
- vi. Policy Recommendations

2. Potential Sources For Training

- a. Civil Rights / Community / Public Interest Organizations
 - i. American Civil Liberties Union (ACLU)
 - ii. National Alliance on Mental Illness (NAMI)\
 - iii. Homeless Advocacy Organizations
 - iv. Urban League
 - v. Mediation Centers
- b. Government Organization Resources
 - i. Mayor / City Manager / County Supervisor / County Administrative Executive
 - ii. US Attorney / State Attorney General / County Counsel / City Attorney
 - iii. Public Defender's Office
 - iv. FBI (Color of Law Abuses by public officials)
 - v. Risk Management Department
 - vi. Presiding Judges

- c. Law Enforcement Academy
 - i. Recruit Training
 - ii. Menu Training
 - iii. In-Service Refresher Training
- d. Visits to Law Enforcement Facilities
 - i. Headquarters and Division Stations
 - ii. Communications / Dispatch / 911 Facilities
 - iii. Jail Detention Facilities
 - iv. Juvenile Detention Facilities
 - v. Crime Laboratories
 - vi. Medical Examiner Facilities
- e. Ridealongs
 - i. Patrol
 - ii. Special Units
 - 1. K-9
 - 2. Homeless Outreach
 - 3. Special Events (Sporting Events, Conventions, Conferences)
 - 4. Vice Squad
 - 5. Gang Suppression

Qualification Standards for Oversight Agencies

Qualification Standards For Oversight Investigators

1. Education

1. A bachelor's or an equivalent degree, or a combination of education and relevant experience. Competent oversight investigators must possess sophisticated analytical and written communication skills, and must become proficient in a wide variety of subject areas, from case law on search and seizure, to cultural awareness to the latest research on perception and recollection. A college degree is an excellent indicator of likely proficiency in these areas.

2. Preferred Experience

1. Three (3) years' experience conducting civil, criminal or factual investigations that involved gathering, analyzing and evaluating evidence, conducting interviews with friendly and adverse witnesses and documenting information in written form. Applicable experience would include: criminal investigations conducted for a law enforcement or a prosecuting agency; criminal defense investigations in the public or private sector; investigating allegations of misconduct or ethical violations

(especially involving public officials or police officers); investigations conducted in connection with litigation or hearings conducted by a government agency; personnel investigations; civil rights investigations and investigations of human rights abuses; investigations and audits of fraud or abuse.

3. Required Knowledge, Skills, and Ability

1. Knowledge of investigative techniques and procedures.
2. Ability to conduct detailed factual interviews with aggrieved individuals filing complaints, with friendly, neutral and adverse witnesses, with police officers and managers, and with experts such as medical practitioners, law enforcement trainers, crime lab personnel, etc.
3. Ability to write clear, concise, well-organized and thorough investigative reports.
4. Ability to communicate professionally and courteously with individuals from a wide variety of cultural and socio-economic backgrounds, to develop sensitivity to a variety of communication styles, to elicit information from reluctant individuals and to provide information in a clear and articulate manner.
5. Ability to plan investigations and to prioritize multiple tasks and meet required deadlines, and to conduct investigations of a highly confidential and sensitive nature.
6. Ability to organize and present information using matrices, timelines and relational database software.
7. Ability to analyze and apply relevant laws, regulations and orders to the facts of the case being investigated.
8. Ability to use initiative, ingenuity, resourcefulness and sound judgment in collecting and developing facts and other pertinent data.
9. Knowledge of evidence handling and preservation procedures, of skip-tracing techniques to locate witnesses and of legal and criminal justice procedures.
10. Ability to conduct investigations in an objective and independent manner and to adhere to high standards of ethical conduct and to evaluate evidence and make findings without bias or concern for personal interest.

Suggested Standards For Supervisory Investigators:

1. Education

1. A bachelor's or an equivalent degree.

2. Experience

1. Five (5) years' experience conducting civil, criminal or factual investigations that involved gathering, analyzing and evaluating evidence, conducting interviews with friendly and adverse witnesses and documenting information in written form. Applicable experience would include: criminal investigations conducted for a law enforcement or a prosecuting agency; criminal defense investigations in the public or private sector; investigating allegations of misconduct or ethical violations (especially involving public officials or police officers); investigations conducted in connection with litigation or hearings conducted by a government agency; personnel investigations; civil rights investigations and investigations of human rights abuses; investigations and audits of fraud or abuse.

3. Required Knowledge, Skills & Abilities

In addition to the skills and knowledge required for investigators, the following should be required.

1. Ability to plan, conduct and supervise complex and difficult investigations, including those involving serious allegations of misconduct (such as officer-involved shootings and in-custody deaths), investigations involving a large number of complainants, witnesses or officers, high-profile investigations and those involving multiple law enforcement agencies or significant policy issues.
2. Ability to train, advise, motivate, and mentor new and veteran investigators on an individual level and through a formal and ongoing training program.
3. Ability to implement investigative procedures and standards consistent with best practices for civilian oversight agencies.
4. Ability to review the work of investigators to ensure that the investigation is thorough and the factual findings and analyses are sound.
5. Ability to set an example of professionalism, ethical conduct and commitment to a quality work product.

6. Commitment to civilian oversight.
7. Knowledge of criminal justice procedures, investigative techniques and issues involving police and civilian oversight practices and police-community relations.
8. Ability to effectively communicate, both orally and in writing, with agency staff, members of the law enforcement agency, government managers and members of the diverse communities served by the law enforcement and the civilian oversight agency.
9. Ability to edit reports and other written materials prepared by investigative staff for clarity and style.
10. Ability to establish investigative procedures and standards consistent with best practices for civilian oversight agencies

Suggested Standards For Oversight Executives: Directors, Auditors, and Monitors

1. Qualifications For Civilian Oversight Executives

1. Education

1. A bachelor's or an equivalent degree. Master's degree, Juris Doctorate, or Ph.D. is highly desirable.

2. Experience

1. At least four (4) years of experience in the field of public or private administration or in the practice of law.
2. Prior managerial or supervisory experience.

3. Required Knowledge, Skills & Abilities

1. Creative, innovative and outgoing leader with recognized judgment, objectivity and integrity with a commitment to achieving solutions and results
2. Strong passion for community relations and outreach with the ability to build strong, yet independent working relationships with a wide array of constituents and community representatives particularly, experience working with multicultural/ethnic communities

3. Ability to bridge community and institutional concerns around fairness and justice issues and knowledge of social problems, community attitudes, organization and subcultures
4. Work effectively within the framework of governmental and judicial structures
5. Exceptional analytical, verbal and written communication skills
6. The ability to manage people
7. Knowledge of organization and management practices and methods, including goal setting, program development and implementation, employee supervision, personnel management, employee relations, team building, budget development and financial management
8. High level of resiliency and the ability not to personalize adversity
9. The ability to interact and operate effectively with various stakeholders, e.g., elected and appointed officials, law enforcement officers and administrators, community groups, and others
10. The ability to work independently, fairly and objectively
11. Effective facilitation, negotiation and diplomacy skills
12. A willingness to make a long-term commitment to the organization
13. Knowledge of general legal principals and statutory law including knowledge of employer-employee hearing and administrative procedures
14. Knowledge of principles, practice and procedures related to conducting investigations and administrative hearings including rules of evidence and due process
15. Knowledge of police administration and organization, and the rules, laws and regulations thereof

NACOLE Code of Ethics

Preamble

Civilian oversight practitioners have a unique role as public servants overseeing law enforcement agencies. The community, government, and law enforcement have entrusted them to conduct their work in a professional, fair and impartial manner. They earn this trust through a firm commitment to the public good, the mission of their agency, and the ethical and professional standards described herein.

The standards in the Code are intended to be of general application. It is recognized, however, that the practice of civilian oversight varies among jurisdictions and agencies, and additional standards may be necessary. The spirit of these ethical and professional standards should guide the civilian oversight practitioner in adapting to individual circumstances, and in promoting public trust, integrity and transparency.

Personal Integrity

Demonstrate the highest standards of personal integrity, commitment, truthfulness, and fortitude in order to inspire trust among your stakeholders, and to set an example for others. Avoid conflicts of interest. Conduct yourself in a fair and impartial manner and recuse yourself or personnel within your agency when a significant conflict of interest arises. Do not accept gifts, gratuities or favors that could compromise your impartiality and independence.

Independent and Thorough Oversight

Conduct investigations, audits, evaluations and reviews with diligence, an open and questioning mind, integrity, objectivity and fairness, in a timely manner. Rigorously test the accuracy and reliability of information from all sources. Present the facts and findings without regard to personal beliefs or concern for personal, professional, or political consequences.

Transparency and Confidentiality

Conduct oversight activities openly and transparently, providing regular reports and analysis of your activities, and explanations of your procedures and practices to as wide an audience as possible. Maintain the confidentiality of information that cannot be disclosed and protect the security of confidential records.

Respectful and Unbiased Treatment

Treat all individuals with dignity and respect, and without preference or discrimination including, but not limited to: age, ethnicity, citizenship, color, culture, race, disability, gender, gender identity, gender expression, housing status, marriage, mental health, nationality, religion, sexual orientation, socioeconomic status, or political beliefs, and all other protected classes.

Outreach and Relationships With Stakeholders

Disseminate information and conduct outreach activity in the communities that you serve. Pursue open, candid, and non-defensive dialogue with your stakeholders. Educate and learn from the community.

Agency Self-Examination and Commitment to Policy Review

Seek continuous improvement in the effectiveness of your oversight agency, the law enforcement agency it works with, and their relations with the communities they serve. Gauge your effectiveness through evaluation and analysis of your work product. Emphasize policy review aimed at substantive organizational reforms that advance law enforcement accountability and performance.

Professional Excellence

Seek professional development to ensure competence. Acquire the necessary knowledge and understanding of the policies, procedures, and practices of the law enforcement agency you oversee. Keep informed of current legal, professional and social issues that affect the community, the law enforcement agency, and your oversight agency.

Primary Obligation to the Community

At all times, place your obligation to the community, duty to uphold the law and to the goals and objectives of your agency above your personal self-interest.

Adopted by the Board of Directors on August 12, 2015

Pre-Post Test

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
	1	2	3	4	5
1. ____	Citizens can be trusted to assist the police.				
2. ____	Police officers know how to speak to civilians.				
3. ____	Civilians are qualified to assess police wrongdoing.				
4. ____	There is nothing wrong with current police/community relations.				
5. ____	Fighting crime is more important than protecting rights.				
6. ____	Police tell the truth more frequently than complainants.				
7. ____	Police, on the job, should welcome observation by citizens.				
8. ____	Police officers generally treat civilians with respect.				
9. ____	Civilians generally treat police officers with respect.				
10. ____	Prejudice is under control in the police department.				
11. ____	There is more racism in the community than in the police department.				
12. ____	The best response to police during a traffic stop is to silently accept what happens.				
13. ____	Standing up for your rights is the best response to police authority during a traffic stop.				
14. ____	All arrests have a positive impact on public safety.				
15. ____	Citizens are likely to report serious wrongdoing by family members.				
16. ____	Police officers are likely to report serious wrongdoing by other police officers.				
17. ____	Police officers are more objective than citizens.				
18. ____	Most police officers never abuse power or control.				
19. ____	Police only make traffic stops in the interest of public safety.				
20. ____	I feel stressed when I have to talk to the police.				
21. ____	I believe citizens should do more to confront wrongdoing.				
22. ____	An officer of the same race/ethnicity will likely treat a citizen better.				
23. ____	Gender differences have little impact on encounters involving civilians and police.				
24. ____	Police departments provide a complaint friendly environment for civilians.				
25. ____	Police treat citizens fairly, regardless of race, gender or ethnicity differences.				

Additional Resources and Links

NACOLE

www.nacole.org

European Partners Against Corruption/ European contact-point network: Police Oversight Principles

https://nacole.org/wp-content/uploads/European_Police_Oversight_Principles.pdf

Articles and Documents:

<http://nacole.org/wp-content/uploads/Oversight-in-the-United-States-Attard-and-Olson-2013.pdf> An excellent overview by two past presidents of NACOLE, Barbara Attard and Kathryn Olson

<http://static1.squarespace.com/static/5498b74ce4b01fe317ef2575/t/54caf3abe4b04c8e2a3b6691/1422586795583/Review+of+National+Police+Oversight+Models+%28Feb.+2005%29.pdf> A detailed study of police oversight models conducted in 2005 by the Police Assessment Resource Center (PARC)

<http://www.firescience.org/building-trust-in-law-enforcement/> A good article about various community / law enforcement partnerships and programs.

<http://www.nyc.gov/html/ccrb/html/outreach/calendar.shtml> An outreach activities calendar of the CCRB in New York, New York

<http://www.post-gazette.com/opinion/Op-Ed/2015/05/10/What-does-good-policing-look-like-Here-are-10-policies-that-every-police-department-should-adopt/stories/201505100056> What Good Community Police Practice Should Look Like (An op-ed article from the Pittsburgh Post-Gazette)

http://www.riversideca.gov/cprc/Outreach/Outreach_Activity_Table.htm The outreach log for the Riverside Community Police Review Commission in 2015

Complaint Forms:

Albany, NY:

http://www.albanylaw.edu/media/user/glc/police_review_board/cprbcomplaintfinal5701rt1.pdf

Atlanta, GA: <http://acrbgov.org/wp-content/uploads/2010/08/Complaint-form-Corrected-Copy-March-2015.pdf>

Austin, TX: <http://www.austintexas.gov/department/complaint-process>

Denver, CO: <http://www.denvergov.org/Portals/374/documents/OIMCCForm.pdf>

Los Angeles, CA: <http://www.oig.lacity.org/#!/filing-a-complaint/c1krl>

Miami, FL: <http://www.ci.miami.fl.us/cip/pages/Services/BrochuresForms.asp>

Philadelphia, PA: <http://www.phila.gov/pac/PDF/complaintform.pdf>

Portland, OR: <http://www.portlandonline.com/Auditor/Index.cfm?c=42860>

Salt Lake City, UT: <http://www.slcdocs.com/civreview/complaintform.pdf>

San Diego, CA: <http://www.sandiego.gov/citizensreviewboard/pdf/complaint.pdf>

San Francisco Bay Area Rapid Transit District (BART): <http://bart.gov/policecomplaint>

San José, CA: <http://www.sanjoseca.gov/DocumentCenter/View/14705>

Washington, D.C.: <http://policecomplaints.dc.gov/service/complaint-forms-and-brochures>

International Resources:

Universal Declaration of Human Rights
<http://www.un.org/en/documents/udhr/>

United Nations Code of Conduct for Law Enforcement Officials
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx>

Canadian Association for Civilian Oversight of Law Enforcement (CACOLE)
<http://www.cacole.ca/>

U.S.A. Resources:

Core Competencies for Civilian Oversight Practitioners
<https://nacole.org/about-us/core-competencies-civilian-oversight-practitioners/>

Police Assessment Resource Center
<http://www.parc.info/>

U.S. Department of Justice, Civil Rights Division, Special Litigation Section
<http://www.justice.gov/crt/special-litigation-section>

National Initiative for Building Community Trust and Justice
<http://trustandjustice.org>

Implicit Bias Resources:

Rightful Policing

<http://www.hks.harvard.edu/programs/criminaljustice/research-publications/executive-sessions/executive-session-on-policing-and-public-safety-2008-2014/publications/rightful-policing>

Teaching Tolerance

<http://www.tolerance.org/Hidden-bias>

Implicit Bias and Law Enforcement (Police Chief Magazine)

http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=2499&issue_id=102011

American Denial: Independent Lens

<http://video.pbs.org/video/2365422025/>

Project Implicit

<https://implicit.harvard.edu/implicit/>

The Nature of Implicit Prejudice

http://www.fas.harvard.edu/~mrbworks/articles/InPress_Shafir.pdf

The Nature of Contemporary Prejudice

<http://www.yale.edu/intergroup/PearsonDovidioGaertner.pdf>

State of the Science: Implicit Bias Review 2013

http://kirwaninstitute.osu.edu/docs/SOTS-Implicit_Bias.pdf

Recent Reports and Journal Articles:

Final Report of the President's Task Force on 21st Century Policing

www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

The Impact of Psychological Science on Policing in the United States: Procedural Justice, Legitimacy, and Effective Law Enforcement

<http://psi.sagepub.com/content/16/3/75.full>