

# Police Oversight Informational Report



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65D - Police Oversight Informational Report  
City Manager's Office  
December 15, 2020

# Executive Summary



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- On September 15, 2020, staff presented an informational report relating to police oversight:
    - Examples and overview of police oversight models
    - Best practices
    - Overview of different models
    - Frameworks
  - The City Council directed staff as follows:
    - Provide an overview of police oversight models with investigatory powers and those without investigatory powers.
    - 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.



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- This report also 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



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# What is Police Oversight?

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- 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.



# Examples

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- “Simplest” mechanisms consist of the following:
  - Board/Commission reviews the findings of investigations conducted by the police agency's Internal Affairs Division
  - Often has little or no budgetary authority
  - Board/Commission serves on a volunteer basis
- More “organizationally complex” mechanisms may include the following:
  - Paid full-time staff of lawyers, investigators, and policy analysts that report to the citizen board
  - Substantial budgetary authority
  - Ability to conduct independent investigations
  - Access to police evidence records and electronic databases



# NACOLE's Classifications of Police Oversight

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- **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 with Investigatory (Subpeona) Powers

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- 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.



# Example: Berkeley, CA

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- **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:** Nine 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)



# Police Oversight without Investigatory (Subpeona) Powers

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- 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.





# Example: Anaheim, CA

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- **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)



# Example: Riverside, CA

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- **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 Attorney's Office, City Manager's Office and Riverside Police Department support the commission.
- **Annual Operating Budget:** \$264,541





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

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- 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.



# Survey



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# Survey

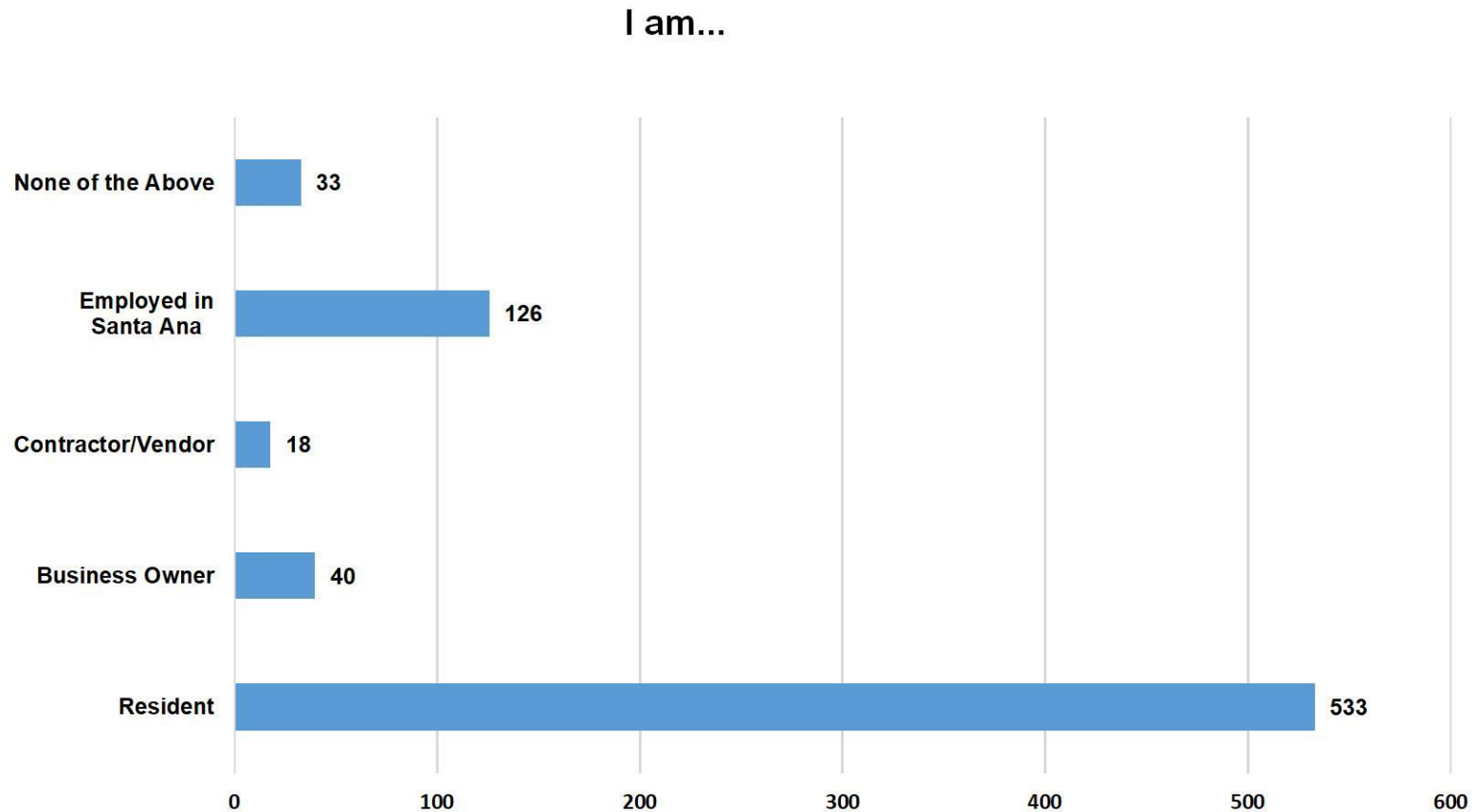
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- The survey represents preliminary data and serves as the beginning of what could be a robust community engagement initiative with a continuous feedback loop between the community and the City.
- In summary, the survey was shared using the City's 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 completed the survey.



# 89.3 percent of respondents self-identified as Santa Ana residents.

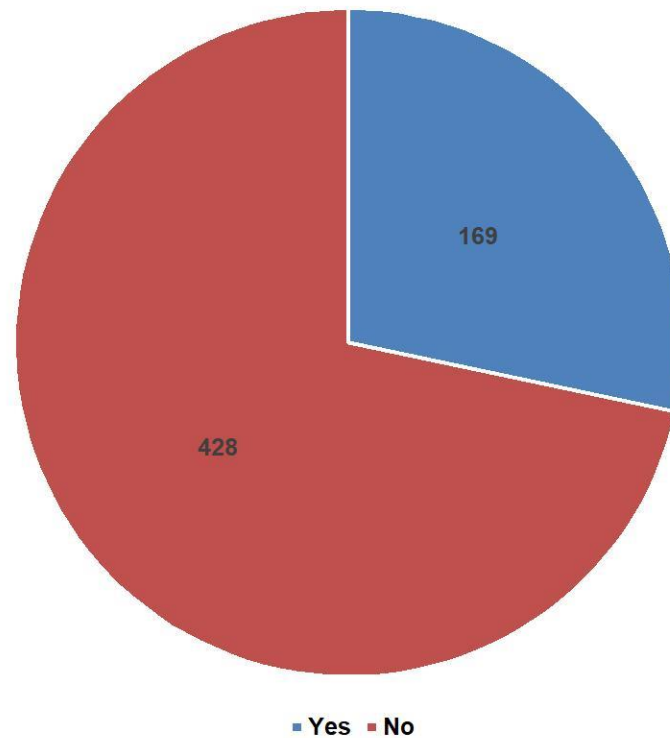
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## 76.7 percent of respondents do not know how to file a citizen complaint with the Santa Ana Police Department alleging police misconduct.

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

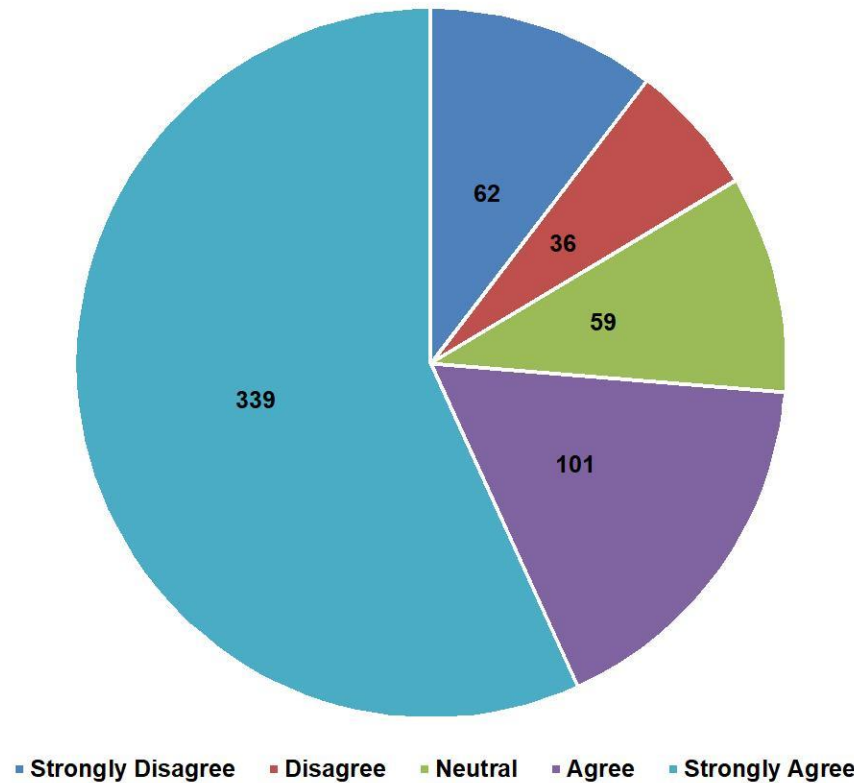




# 72.5 percent of respondents either strongly agree or agree that police oversight is needed in Santa Ana.

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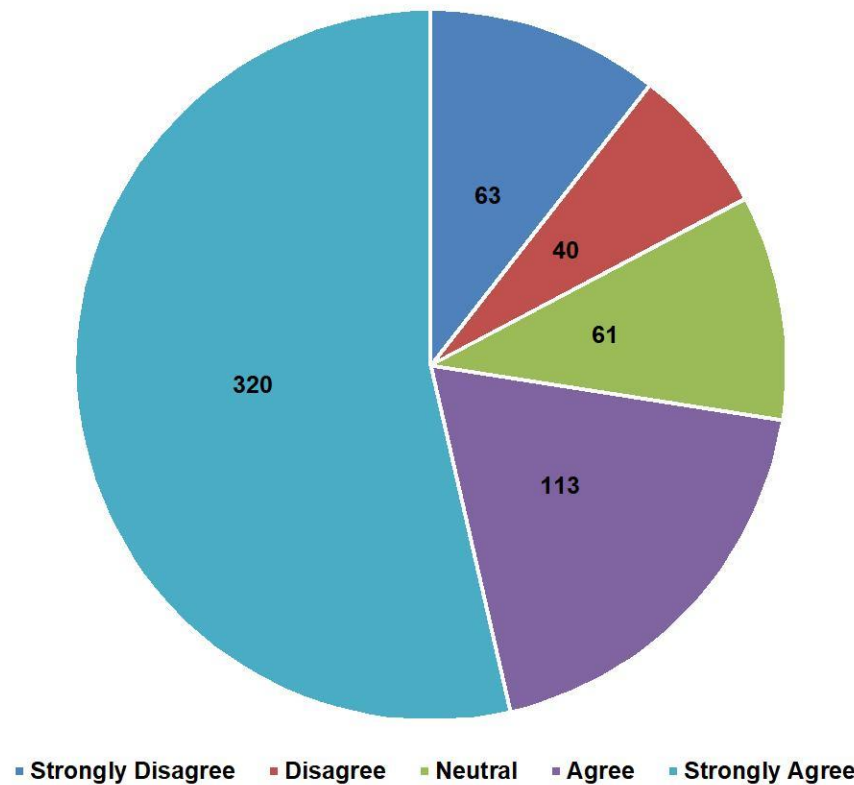
Police oversight is needed in Santa Ana.



## 72.6 percent of respondents either strongly agree or agree that police oversight will positively affect public safety in Santa Ana.

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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:**

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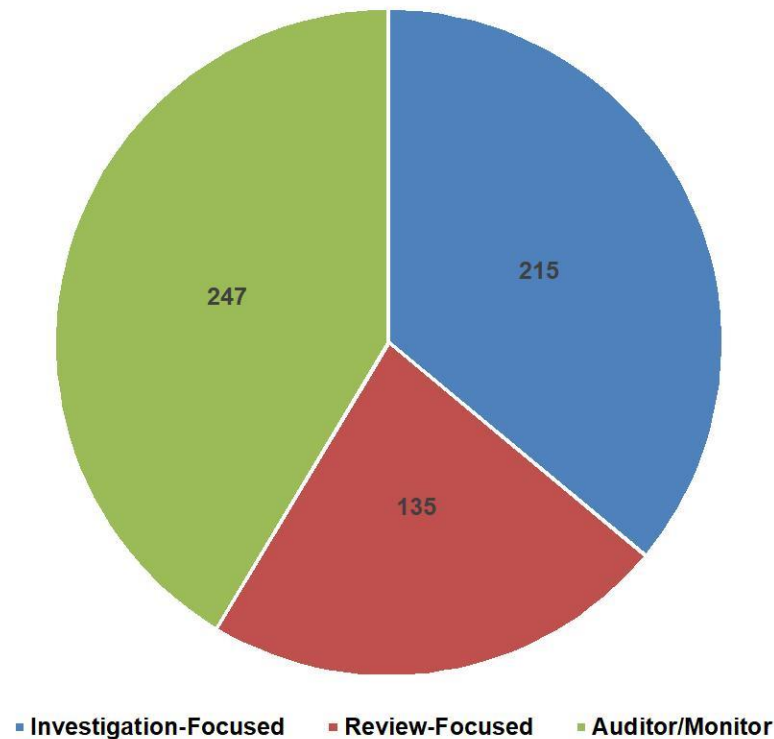
- **Transparency** (prepares and provides reports and audits that are accessible by the public upon request)
- **Community outreach** (obtain input from a range of community members and groups through community outreach on policies, procedures, training, and other related issues)
- **Use of statistical 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)



# Which of the above three models would be most effective?

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



# NACOLE

(National Association of Civilian  
Oversight of Law Enforcement)





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- NACOLE, in collaboration with the U.S. Department of State, prepared a Guidebook for the Implementation of New or Revitalized Police Oversight.
  - 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



# Options



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- 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



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- Accept informational report and provide direction to staff.







# Questions?



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