Police Oversight:
Independent Police Auditor
and Civilian Review Models

Santa Rosa City Council
May 24, 2022

John Cregan, Chief of Police
Brian Corr, OIR Group Equity Consultant
Teresa Magula, OIR Group

1

OVERVIEW OF PRESENTATION

- Review of National Association for Civilian Oversight of Law Enforcement (NACOLE) effective practices for law enforcement oversight

- Review of the scope of work and responsibilities of the Independent Police Auditor, OIR Group LLC (OIR)

- Examination of civilian oversight models

2

NATIONAL ASSOCIATION FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

- NACOLE is a non-profit organization that brings together individuals and agencies working to establish or improve oversight of police officers in the United States

- Established effective practices for oversight of police agencies

- www.nacole.org

The Thirteen Principles of Effective Civilian Oversight

1. Independence
2. Clearly defined and adequate jurisdictional authority
3. Unfettered access to records and facilities
4. Access to law enforcement executives and internal affairs staff
5. Full cooperation
6. Sustained stakeholder support

7. Adequate funding and operational resources
8. Public reporting and transparency
9. Policy and pattern analysis
10. Community outreach
11. Community involvement
12. Confidentiality, anonymity, and protection from retaliation
13. Procedural justice and legitimacy

4

Key Considerations for Evaluating Effective Practices

Is this practice an appropriate "fit" for our local context?

How will this practice strengthen civilian oversight in relation to the thirteen principles for effective oversight?

What are the potential unintended consequences of implementing this practice?

"Best practices" vs. "Effective practices"

Limitations on the applicability of a "best practices" approach has led NACOLE to propose an "effective practices" approach based on thirteen principles that serve as a foundation for successful and effective oversight.

The form that oversight takes in a community should be one that is possible, feasible, and congruent with community expectations.

The "best" form of oversight will depend on the local circumstances of the jurisdiction.

Common Models of Oversight

Review-focused

Ensures the community can provide input into the complaint investigation process.

Community review of investigations may increase public trust in the process

An individual or a board/commission authorized to review completed internal investigations – can agree/disagree with findings

Investigation-focused

Full-time civilian investigators may have highly specialized training

Investigations conducted by oversight agency-does not rely on investigators from within the police department

Civilian-led investigations may increase community trust in the investigation process
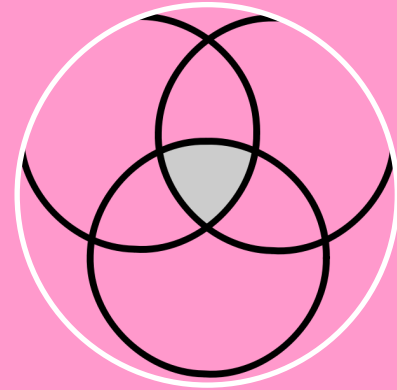
Auditor/Monitor focused

Often have more robust reporting practices than other models

May be more effective at promoting long-term, systemic change in police departments

Generally less expensive than full investigative agencies

Allow the agency to actively engage in many or all the steps of the complaint process

Hybrid Models

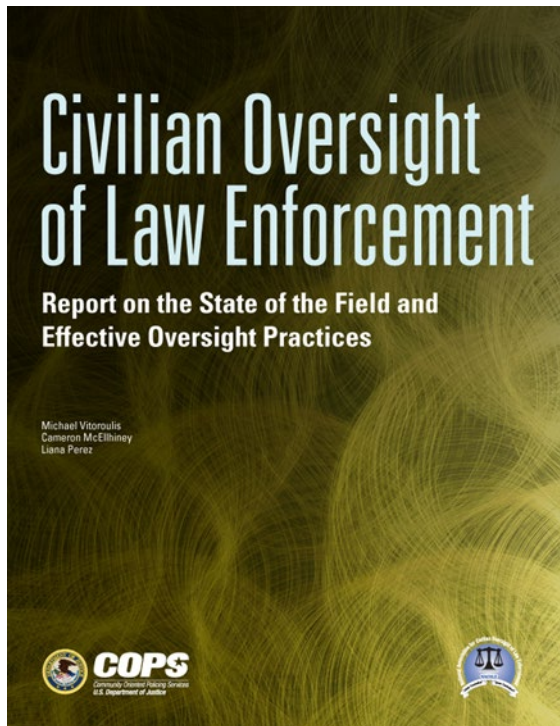Contain elements from one or more of the three models

Have been developed to address the needs of a specific community and conform to state or local laws

May be modifications of a previous oversight agency

Are increasingly common

NACOLE/COPS Office Research
Report on the State of the Field & Effective Practices

Civilian Oversight of Law Enforcement
Report on the State of the Field and Effective Oversight Practices

Michael Vitoroulis
Cameron McElhiney
Liana Perez

NACOLE and the U.S. Dept. of Justice Office of Community Oriented Policing Services (COPS Office) released the following in July 2021:

- Nine Case Studies of Civilian Oversight Models
- Report on the State of the Field and Effective Oversight Practices
- Decision-Making Guidebook on Establishing and Strengthening Various Models of Civilian Oversight
- Interactive Online Toolkit at: www.NACOLE.org/COAD
- All available at www.NACOLE.org/recent_reports

NACOLE/COPS Office Findings:
Key Principles and Practices for Effectiveness and Sustainability

The Evolution and Growth of Civilian Oversight
Key Principles and Practices for Effectiveness and Sustainability

Michael Vitoroulis
Cameron McElhiney
Liana Perez
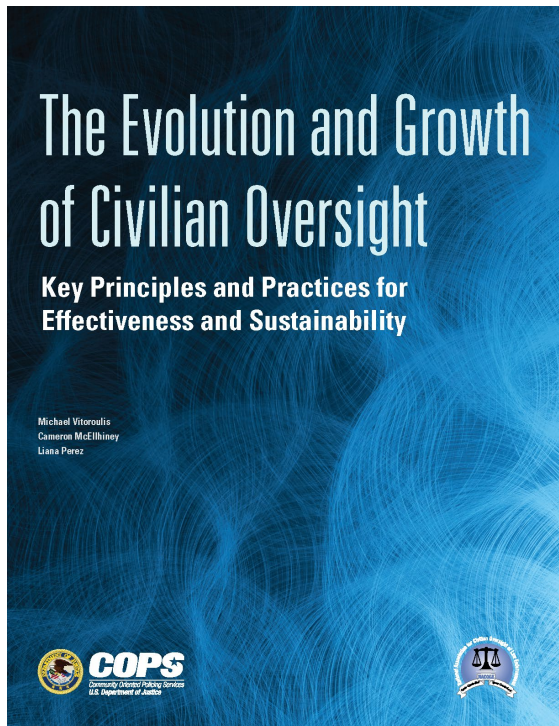
- The number of civilian oversight agencies continues to grow.
- Data-driven policy analysis is increasingly common.
- Access to department records and information varies greatly.
- Accountability and evaluation requirements for civilian oversight agencies are increasingly common.
- There is an increasing focus on front-end accountability, rather than only back-end accountability.
- Centering procedural justice and legitimacy with all stakeholders is essential for effective oversight.

OIR GROUP LLC

- On November 30, 2021, the Santa Rosa City Council approved OIR as the Independent Police Auditor (IPA). The auditor reports directly to the City Manager and is under the operating authority of the City Manager

- Eleven key scope of work areas are already in place and/or a timeline for implementation has been identified

10

OIR SCOPE OF WORK

1. Review of Police Department's Internal Investigations and Citizen Complaints

- OIR participates in and reviews all internal investigations and citizen complaints
- OIR can attend interviews, ask questions, and assess credibility

2. Receipt of Citizen Complaints

- Santa Rosa Police Department (SRPD) created a process and OIR has access to all citizen complaints. OIR and SRPD Professional Standards Team members meet via zoom approximately every two weeks
- Department website updated to reflect the IPA and how to contact them directly
- Notification letters to the complainant includes information that IPA has reviewed the incident

11

OIR SCOPE OF WORK

3. Notice of Death, Serious Injury, or Other Critical Incidents

- SRPD had one case this year and OIR was notified on the date of the incident and provided full details of what was known prior to the BWC upload and police report being written

4. Audit of SRPD Misconduct Complaints, and Discipline Process

- OIR has access to the SRPD complaint database which includes all records available to the Professional Standards Team
- June 2022 – 6 month review
- OIR provides ongoing review through bi-weekly meetings

OIR SCOPE OF WORK

5. Audit of SRPD Policies, Procedures, and Training

Anticipated <u>starting</u> dates:

- June 2022 – RIPA compliance review
- June 2022 – Bias evaluation done in accordance with RIPA compliance review
- December 2022 – Annual audit
- December 2022 – Individual Use of Force investigations (including Taser usage and UOF aggregate data)
- December 2022 – Body-worn camera usage and use of force reviews by supervisors and Professional Standards Team
- December 2022 – Policies, practices, and procedures related to legal mandates in the area of use of force and equipment

13

OIR SCOPE OF WORK

6. Recommend Changes/Improvements to Policy, Procedure, or Training to ensure the best equitable policing environment

To begin December 2022:

- Systematically review SRPD existing policies and procedures and evaluate new or changed policies

- Systematically review SRPD training

- Make written recommendations to the Police Chief for improvements or changes to SRPD policy, procedure, or training regarding any matter

OIR SCOPE OF WORK

7. Reports/Presentations to City Council and Public Safety Subcommittee

- Annually, beginning March 2023

8. Conduct Independent Investigations

- OIR will conduct investigations as needed, and have the authority through City Manager to initiate one
- CM can initiate investigations for OIR to complete

15

OIR SCOPE OF WORK

9. Community Outreach

OIR and its Equity Consultant (Brian Corr) to meet with various City and community stakeholders to seek input on policing issues

- April 20, 2022 - Met with Chief's Community Ambassador Team
- Summer 2022 – Meet with stakeholders and participate in ride-a-longs

Community meetings will be facilitated by the Mayor or his/her designee twice a year. These meetings will engage and inform residents in the role, work and outcomes of the Independent Police Auditor

OIR is responsible for having culturally and linguistically responsive staff to meet the community needs of the City

Community engagement timeline and process being finalized by the CM and OIR

OIR SCOPE OF WORK

10. Reporting Responsibility

OIR reports directly to the City Manager and is under the operating authority of the City Manager

- Michael Gennaco of the OIR Group meets with the City Manager on a regular basis

11. Equity Consultant

To assist with carrying out the Scope of Work, OIR is contracting with an equity consultant

- OIR is currently in contract with Brian Corr. Brian Corr is the past President of NACOLE (National Association for Civilian Oversight of Law Enforcement)
- Mr. Corr is the Executive Director of The Police Review and Advisory Board for the City of Cambridge, Massachusetts and has over 30 years of experience

SRPD PROFESSIONAL STANDARDS TEAM (PST)

SRPD has a full time Sergeant and Lieutenant dedicated to the PST. All complaints are thoroughly investigated and reviewed by the PST.

To Reach the Professional Standards Team:

Call (707) 543-3559, send an email to srpdinfo@srcity.org, pick up a complaint form, in English or Spanish, from the Police Department lobbies, or download a commendation/complaint form from the website. Forms are available in either English or Spanish

If the community wishes to communicate with someone outside of the Police Department, they may contact the Independent Police Auditor, OIR Group LLC, at (310) 906-0529 or email:

- Michael Gennaco, *Principal of OIR Group:* michael.gennaco@oirgroup.com
- Stephen Connolly, *Principal of OIR Group:* stephen.connolly@oirgroup.com
- Teresa Magula, *OIR Group:* teresa.magula@oirgroup.com

OVERVIEW OF CIVILIAN OVERSIGHT MODELS

- Anaheim
- Novato
- San Leandro
- IOLERO

19

CITY OF ANAHEIM

- City Manager's (CM) Office oversees Review Board
- Lottery system
- One person per district and one from city at large (7 total)
- Background check conducted by contractor of CM office
- Trained on legal standards, department policies, and participate in ride-a-longs
- Briefed on major incidents

CITY OF ANAHEIM

- Access to publicly released reports/ BWC footage before public release
- Review policies/training and make recommendations
- Complete an Annual report
- Refer complaints to CM, or Independent Police Auditor

CITY OF NOVATO

- City Council interviews/selects all applicants
- 7 total members
- No requirement to have one applicant per district
- Human Resources (HR) is liaison
- Receive training on Brown Act and Sexual Harassment
- Quarterly meetings

CITY OF SAN LEANDRO

- Each council member chooses one applicant from their district. The entire council must then approve that person
- Two "student" members on panel. Students are between 16-22 years old
- No background check
- 30 hours of training and must go on a ride-along
- Provide input on budget, chief hiring, policies/training
- Complete an annual report
- Refers complaints to Independent Police Auditor

COUNTY OF SONOMA

Independent Office of Law Enforcement Review and Outreach (IOLERO)

- Established by Sonoma County Board of Supervisors in 2016
- Provide objective and independent review of complaints against the Sheriff's Office
- Receive citizen complaints against the Sheriff's Office and forward them to the Sheriff's Office for review
- Advise if an investigation appears incomplete and propose further investigation
- Propose policy and training recommendations to the Sheriff's Office based on the complaints
- Increase transparency of law enforcement operations
- Conduct outreach to the community

24

COUNTY OF SONOMA

- Produce a public report about the complaints and recommendations on a summary level

- Conduct independent investigations "[w]here, in the opinion of the director, the investigation of a complaint or incident by the sheriff-coroner is incomplete or otherwise deficient."

- IOLERO utilizes a Community Advisory Council (CAC) made up of 11 members of the county, appointed by Board of Supervisors

IOLERO is not authorized to:

- Change the decisions made by the Sheriff's Office

- Decide policies for the Sheriff's Office

- Impose discipline on any Sheriff employee for any reason

- Interfere with the performance of the Sheriff's Office

COUNTY OF SONOMA

Community Advisory Council (CAC)

- Board of Supervisors selects the members: Supervisors select two each and IOLERO selects one

- 11 total members

- No background check

- Review of policies and makes recommendations

- No complaint review

- No access to BWC or reports

- No formal training process

CIVILIAN OVERSIGHT MODELS REVIEWED

	ANAHEIM	NOVATO	SAN LEANDRO	COUNTY OF SONOMA
Independent Police Auditor	Yes/Minimal	No	In Process	Yes
How members chosen	Lottery	Council	Council person	Board of Supervisors
Background check	Yes (minimal)	Yes (minimal)	No	No
Policy/Review	Recommend	Recommend	Recommend	Recommend
Complaint Review	No	At CM request	No	No
Access to BWC/reports	Redacted	No	Redacted	No
Training	Yes	Minimal	Yes	Nothing formal

OIR SCOPE OF WORK

1. Review of Santa Rosa Police Department's internal investigations and citizen complaints
2. Receipt of citizen complaints
3. Notice of death, serious injury, or other critical incidents
4. Audit of SRPD misconduct complaints, and discipline process
5. Audit of SRPD policies, procedures, and training
6. Recommend changes/improvements to policy, procedure, or training to ensure the best equitable policing environment
7. Produce reports
8. Ability to conduct independent investigations
9. Community outreach
10. Reporting responsibility
11. Equity Consultant

28

QUESTIONS?