

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: MARASKESHIA SMITH, CITY MANAGER
SUBJECT: INDEPENDENT POLICE AUDITOR ANNUAL REPORT

AGENDA ACTION: REPORT

RECOMMENDATION

It is recommended by the Police Department that the Council receive a presentation by the OIR Group LLC of the annual report of Santa Rosa Police Department oversight. This is for information and no action will be taken.

EXECUTIVE SUMMARY

The OIR Group LLC (OIR) will provide a presentation to summarize the annual report of the oversight of the Santa Rosa Police Department (SRPD). OIR will present their findings for their first annual report. Council will have the opportunity to ask questions and provide feedback to staff.

BACKGROUND

The request for proposals for an Independent Police Auditor were issued on June 17, 2021 and closed on July 12, 2021. Two proposals were received and evaluated by a committee and underwent a selection process. Based on the selection process, the OIR group was selected; the contract runs through December 30, 2024. The City had previously contracted with the OIR Group in 2020, to provide an independent review on SRPD's internal investigations related to protests that occurred in May and June of 2020.

On November 30, 2021, the City entered into contract with the OIR Group to become an independent auditor of the Santa Rosa Police Department. The OIR group reports directly to the City Manager and reviews internal investigations, conducts audits of policies, practices and records, and conducts community outreach.

OIR's Scope of Work includes, but is not limited to:

- Reviewing SRPD internal investigations and citizen complaints, which includes a review of and participation in all administrative investigations and officer-involved shootings.

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- Auditing SRPD misconduct complaints, discipline process and policies, procedures, and training. The audit is designed to ensure the best equitable policing environment.
- Producing an annual written report summarizing the evaluations of internal investigations and suggestions for improvements to policies, procedures, and training. The report will be made available in both English and Spanish.
- Conducting community outreach with various city and community stakeholders. In addition, there will be community meetings twice a year that will be facilitated by the Chief's Community Ambassador Team.
- Contracting with an equity consultant to demonstrate understanding in the areas of diversity, equity and inclusion.
- Reporting to the City Manager regularly regarding any recommendations for improvement.
- Presenting the annual auditors report to the Public Safety Subcommittee and City Council for discussion. The city will provide Spanish-language translation at these meetings.

PRIOR CITY COUNCIL REVIEW

On November 30, 2021, the City Council by Resolution No. 2021-209 approved the professional services agreement with the OIR Group LLC.

ANALYSIS

OIR's annual independent police auditor report analyzed sixty-seven incidents of alleged misconduct investigated by SRPD in 2022. Fourteen of those investigations were generated internally which means SRPD management identified a concern in performance or behavior and initiated an investigation into that conduct. In all cases, the process included more than just a review of the final product. It allowed OIR to ask questions and provide input from the start of the complaint process all the way through to the final disposition. When detailing the outcome in their annual report, OIR noted *"As for those outcomes, we found that the Department's final decision regarding each case was reasonable and consistent with the results of the investigative process."*

In addition to examining SRPD investigations into complaints, the report details information and findings related to SRPD's force review process, critical incident review, implicit bias training, inResponse, and the Chief's Community Ambassador Team. The report also evaluates specific department policies, procedures and processes that were in place in 2022. As a result, OIR made eight specific department wide recommendations for SRPD to examine. Below is a summary of the eight OIR recommendations listed in their annual report:

- SRPD should expand the range of complaint cases for which it conducts formal interviews of subject officers, in order to ensure the completeness of fact-gathering and the proper discretion for administering discipline where applicable.
- SRPD should review its approach to disciplinary consequences for low-level policy

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violations and consider leaning more in the direction of a formal process.

- SRPD should review its current force review process to ensure that supervisors are engaging in holistic assessment of each incident, and that identified issues are addressed even if they do not rise to the level of a policy violation.
- SRPD should revise its current template to require officers who use force to document any efforts at de-escalation and, if none were feasible, explain the reasons why.
- SRPD should revise its current template to require reviewing sergeants to expressly consider and evaluate any efforts at de-escalation that preceded the use of force.
- SRPD should revisit its current protocol for interview of subjects upon whom force has been used and reinforce the policy expectation that a supervisor will handle this responsibility.
- SRPD should commit to making issues of racial equity and implicit bias a regular part of its recurring training schedule.
- As SRPD considers future training in this area, it should consider supplementing its internal facilitators with contributors from outside the organization.

FISCAL IMPACT

Approval of this action does not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

The Council finds that the proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA) under section 15061(b)(3) and 15378 in that there is no possibility that the implementation of this action may have significant effects on the environment, and that no further environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not Applicable

NOTIFICATION

Not Applicable

ATTACHMENTS

- Attachment 1 – OIR Group LLC Annual Report

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PRESENTER

Maraskeshia Smith, City Manager