

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: MARASKESHIA SMITH, CITY MANAGER
CITY MANAGER'S OFFICE
SUBJECT: PROFESSIONAL SERVICES AGREEMENT WITH
OIR GROUP LLC, INDEPENDENT AUDITOR TO REVIEW THE
POLICE DEPARTMENT

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the City Manager's Office that the Council, by resolution: (1) waive the competitive bid process for this Agreement; and (2) approve the Professional Services Agreement with OIR Group LLC, Long Beach, California in an amount not to exceed \$270,000 total over three years.

EXECUTIVE SUMMARY

The purpose of this contract is to continue the established services of OIR Group LLC (OIR Group) as an independent auditor of the Santa Rosa Police Department (SRPD). They will report directly to the City Manager and will review internal investigations, conduct audits of policies, practices, and records, conduct community outreach, and will, annually, prepare a written report and give a presentation to the Public Safety Subcommittee and City Council.

BACKGROUND

A Request for Proposals for an Independent Police Auditor was in June, 2021. At the conclusion of that process, the selection committee and City Manager recommended the original Professional Services Agreement be awarded to the OIR Group due to its expertise.

Council approved a three-year Agreement with the OIR Group on November 30, 2021, in the amount of \$270,000.

The OIR Group has 15 years of experience evaluating police shootings, in-custody deaths, and other critical incidents. They have rolled out to more than 400 shooting scenes and have observed and consulted on investigations in real time.

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OIR Group members have developed a detailed understanding of the activities and commonalities that contribute to unnecessary or excessive force. OIR Group has worked to identify dangerous tactics in critical incidents and worked with agencies to develop remedial action plans to address them - including accountability, training, policy development, and supervisory issues. OIR Group has also worked with police departments to ensure that their own internal investigation and review processes are thorough and unbiased.

OIR Group members have been asked to review law enforcement training at many agencies to assure compliance with principles of constitutional policing, to assess its effectiveness, and make recommendations for reform.

The OIR Group is led by a former federal civil rights prosecutor, Michael Gennaco, a nationally recognized expert on law enforcement reform and accountability systems. He was the Chief Attorney of the Office of Independent Review for Los Angeles County and is a founding Principal of OIR Group. Mike has performed a number of monitoring tasks, audits and reviews for a federal judge, special masters, and other governmental entities. He has assisted law enforcement entities throughout the country with constitutional policing issues, critical incident reviews, internal affairs investigations, and design of effective oversight mechanisms. Under his leadership, OIR Group has become a resource for numerous California cities grappling with officer-involved shootings and other critical incidents in an effort to bridge the gap between the police and the communities they serve and to utilize those incidents as learning tools.

When requested, OIR Group has conducted high profile internal affairs investigations, including the Kelly Thomas internal affairs investigations in Fullerton, California, and several internal investigations of the Oakland Police Department in which the subject officers were supervisors and/or members of command staff.

Because of OIR Group LLC's expertise and previous work for the City, staff recommends Council waive the competitive bid process and approve the proposed Professional Services Agreement with OIR Group LLC, Long Beach, California in an amount not to exceed \$270,000 total over three years.

PRIOR CITY COUNCIL REVIEW

Professional Services Agreement approved by Council on November 30, 2021 by Resolution RES-2021-209.

ANALYSIS

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

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- Reviewing SRPD internal investigations and citizen complaints, which includes a review of and participation in all administrative investigations and officer-involved shootings.
- 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 IPA's evaluations of internal investigations and suggestions for improvements to policies, procedures, and training. The report will be made available in English and Spanish.
- Conducting community outreach with various city and community stakeholders.
- Required to contract 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.

In carrying out its functions, OIR will contract with an equity consultant and will be expected to demonstrate experience and understanding in the areas of diversity, equity, and inclusion.

FISCAL IMPACT

Funding for this contract is appropriated in the General Fund and managed by the City Manager's Office.

ENVIRONMENTAL IMPACT

This action is exempt from the provisions of California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guidelines Section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

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- Resolution/Exhibit A (Professional Services Agreement)

PRESENTER

Maraskeshia Smith, City Manager