

AN ORDINANCE OF THE COUNCIL OF THE
CITY OF SANTA BARBARA AMENDING THE
MUNICIPAL CODE BY ADDING CHAPTER
2.09 TO ASSIGN ADDITIONAL CIVILIAN
POLICE OVERSIGHT DUTIES TO THE
BOARD OF FIRE AND POLICE
COMMISSIONERS

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS
FOLLOWS:

SECTION 1. Findings and Determinations.

A. On June 9, 2020, following extensive public comments and public protests related to the murder of George Floyd by a Minneapolis Police Officer, the City Council directed the City Attorney's Office to provide an overview of civilian police review systems.

B. The City Council received the overview of civilian police review systems on July 21, 2020. The City Council formed and directed an ad hoc committee consisting of Council Members Meagan Harmon and Alejandra Gutierrez, to work with the City Administrator and the City Attorney to develop a framework for creating a diverse and inclusive board or commission to provide recommendations about formation of a civilian police review system.

C. On August 18, 2020, the ad hoc committee presented Council with a detailed framework describing the qualifications for members of what would become the Community Formation Commission (CFC).

D. The CFC held its first meeting on March 17, 2021. Over the period of about a year, the CFC accomplished the directive given by City Council by producing a Final Report of Recommendations for Civilian Oversight. The methodology used by the CFC was to explore Santa Barbara Police Department's existing standards and to examine different types of civilian police review systems. The Final Recommendations provided details that included, among other things, the powers and duties of the Commission and Commissioner qualifications.

E. On June 6, 2022, City Council took several actions, including providing direction that civilian police oversight duties would be assigned to the City's longstanding Fire and Police Commission (F & P Commission).

F. City Charter Section 816 establishes the F&P Commission. The Charter assigns to the F&P Commission many of the basic requirements of civilian oversight, including the duty to recommend to the City Council and to the City Administrator rules and regulations concerning the operation and conduct of the Fire and Police Departments.

G. City Charter Section 816 authorizes the City Council to assign other functions, powers and duties to the F&P Commission.

H. The City Council has determined that the health, safety and general welfare of the community and its officers will be enhanced by assigning more explicit and modern civilian police oversight responsibilities to the F&P Commission.

SECTION 2. Title 2 of the Santa Barbara Municipal Code is amended by adding Chapter 2.09, which reads as follows:

2.09.010 Purpose.

This Chapter supplements the provisions of Section 816 of the Charter to strengthen the relationship between the Santa Barbara Fire and Police Departments and the community by providing transparent oversight and increased civilian input regarding departmental policies, practices, and procedures.

2.09.020 Membership, Qualifications and Disqualifications.

A. The Fire and Police Commission shall be composed of five members to be appointed as provided in City Charter Sections 802 and 816.

B. In determining the desirable qualifications of the members of the Commission, the City Council intends to promote diversity, fairness and equity among the Commission's membership by assuring it is inclusive and reflective of life and professional experience, race, ethnicity, age, gender identity, sexual orientation, ability, economic status, neighborhoods, and various communities of interest in the City. Toward that end, in soliciting applications for the position of a Commission member, the City Administrator's Office shall reach out to civic, community, and civil rights organizations, among others to leverage their expertise, outreach, and representation of cross-sections of the community.

C. The City Council will also take into consideration a member's personal or professional experience, or both, that will garner the confidence and trust of the Santa Barbara community, including: relevant lived experience, demonstrated community standing, demonstrated history of collaborative working relationships with local government entities and/or nonprofit organizations, and relevant academic research or professional experience.

D. The following persons shall not be eligible to serve as a Commissioner:

1. Any individual or attorney who represents a person or entity with a pending claim or lawsuit against the Fire or Police Department, or any of their officers or employees; or
2. Any individual that is on active probation or parole.
3. Any current or former law enforcement officer or firefighter who has a history of serious misconduct. Serious misconduct is defined as follows:

a. A sustained finding involving a complaint that alleges unreasonable or excessive force or an unjustified officer involved shooting.

b. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.

c. A sustained finding made by any law enforcement agency or a fire department that the officer or firefighter engaged in conduct including, but not limited to, verbal statements, writings, online posts, recordings and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

d. A sustained finding made by any law enforcement agency or independent investigator that the officer made an unlawful arrest or conducted an unlawful search.

e. A sustained finding involving sexual assault by an officer or firefighter involving a member of the public.

f. A sustained finding of dishonesty by an officer or a firefighter directly related to the reporting, investigation, or prosecution of a crime or an investigation of misconduct by another officer or firefighter

4. The City Council will be guided by the provisions of Section [3.16.070](#), subdivision B in the consideration of appointments to the Commission.

2.09.030 Orientation and Training.

The City Administrator's Office and City Attorney's Office will create and facilitate trainings, or retain appropriate expertise to do so, and coordinate with the F & P Commission on a training calendar. Trainings may be delivered during public meetings to maximize educational opportunities with members of the public.

Within nine months of appointment, or as soon thereafter, each Commissioner shall be required to obtain the following training:

A. The requirements of [Section 816](#) of the Charter and this Chapter. The training will be provided by the City Attorney.

B. The requirements of the California Public Safety Officers Procedural Bill of Rights Act (Gov't. Code Section 3300, et seq.), and the California Firefighters Procedural Bill of Rights Act (Gov't. Code Section 3250, et seq.).

C. The requirements of California's Political Reform Act (Gov't. Code Section 81000, et seq.) and California's Brown Act (Gov't. Code Section 54950, et seq.).

D. Training on police oversight and community policing facilitated by the Department of Justice, a recognized expert in civilian oversight of law enforcement, and/or an independent police monitor professional. This may include, but not be limited to, Public Records Act training, confidentiality requirements, and creation of the police decertification process and expansion of civil liability exposure (Section 52.1 of the Civil Code, Section 1029 of the Government Code, and Section 832.7 of the Penal Code).

E. Training to better understand the history of race and policing, the importance of equity, and the cultures that make up the Santa Barbara community.

F. Training on components of the criminal justice system and other relevant subject matters facilitated by the Police Department or through the Citizen Academy including, at a minimum, constitutional rights and civil liberties, fundamentals of procedure, evidence, due process and procedural rights, use of force and de-escalation practices, and investigation techniques.

G. Each Commissioner shall participate in a four-hour minimum day shift and a four-hour minimum night shift ride-a-long with the Police Department and four-hour minimum day shift with the Fire Department at least twice per four-year Commissioner term. Commissioners can request for accommodations.

H. Training on the quasi-judicial duties and obligations of the Commission as well as on governance practices, meeting facilitation, formal meeting protocols and communications, and community outreach practices.

I. The City Administrator's Office and City Attorney's Office, in consultation with the Fire and Police Departments, shall develop an orientation guide for new members of the Commission to familiarize and acquaint them with Fire and Police operations and policy.

The training required by Subsections A through C will be provided to a newly appointed member by the City Attorney within three months of the member's appointment. Each member of the Commission is also required to receive training in ethics laws as specified in California Government Code Sections 53234 – 53235.2. The City Attorney will provide training to the Commission at a regular meeting thereof at least once each calendar year on the matters stated in Subsections A through C.

2.09.040 Powers and Duties.

A. The Fire and Police Commission shall have the powers and duties prescribed in Charter Section 816 as follows:

1. Act in an advisory capacity to the City Council and to the City Administrator in all matters relating to efficient and adequate Fire and Police protection for the City of Santa Barbara.

2. Recommend to the City Council and to the City Administrator rules and regulations concerning the operation and conduct of the Fire and Police Departments.

3. Consider with the Chiefs of the respective Fire and Police Departments an annual budget of such Departments and make recommendations with respect thereto to the City Council and to the City Administrator.

4. Recommend to the City Administrator and to the City Council appointments to the offices of Fire Chief and Chief of Police.

5. Exercise such other functions, powers and duties not inconsistent with this Charter as may be prescribed by ordinance.

B. Pursuant to the supplemental authority granted to the City Council to prescribe additional functions, powers and duties by ordinance the Commission shall have the following additional powers and duties.

1. To provide a forum to facilitate communication between the community and the Fire and Police Departments, including opportunities for community input and education on policing practices in Santa Barbara

2. In coordination with the police oversight role within the City Administrator's Office, discuss patterns, trends, and significant observations in complaints of police misconduct and facilitate the review of applicable Police Department policies, procedures and practices to propose revisions to which the Chief of Police shall respond to the Commission within 45 days. An extension of up to 45 additional days can be requested by the Chief of Police and approved by a majority vote of the Commission.

3. To conduct ongoing reviews of the complaint process, in collaboration with the police oversight role in the City Administrator's Office, and make recommendations on improving the process based on established effective civilian oversight practices.

4. Receive reports from the Chief of Police or the City Administrator's Office that contain aggregate data regarding internal investigations and subsequent employment actions taken. The reports shall not disclose any information in violation of state and local law regarding the confidentiality of personnel records, including but not limited to, California Penal Code Section 832.7. Aggregate data includes the following:

a. The number of complaints of Department sworn employees submitted to the Professional Standards Unit (PSU).

b. The number of pending PSU investigations, and the related policy section of misconduct that are being investigated.

c. The number of internal investigations completed by the PSU and the findings of the investigations on a yearly basis.

d. The topic and total hours of training session provided to Department sworn employees, and the subject matter of the training sessions.

e. Number of Department sworn employees disciplined and the level of discipline imposed on a yearly basis.

f. The number of complaints investigated that did not result in discipline of the subject officer.

Notwithstanding any other functions, powers and duties assigned by this Chapter, Commission members shall not (i) directly or indirectly participate or attempt to participate in personnel matters, or (ii) direct or attempt to direct that personnel action be taken on specific Department employees.

5. The Commission may review and discuss with the Police Chief, in open session, individual investigations, if and when they become disclosable under the California Public Records Act pursuant to California Penal Code Section 832.7.

6. To issue subpoenas pursuant to Santa Barbara Municipal Code Chapter [9.118](#).

7. To review and provide feedback on monthly updates presented by the Chief of Police on the Department's customer service programs, community oriented policing initiatives, crime trends and statistics, and crime prevention programs. The Commission may publish such reports on its website.

8. To receive a presentation from the Chief of Police concerning any Officer Involved Shootings (OIS). To protect the integrity of any OIS investigation, the presentation may be given once determinations or findings have been made by the agency conducting such investigation. In addition, in order to ensure broader community engagement for an OIS, the City Administrator's Office along with the Commission shall conduct outreach prior to any presentation.

9. The City Administrator's Office will coordinate with the Commission to submit an annual report and work-plan to the City Council no later than March 1 of each year. The report may include information and input on items such as: the Commission's activities during the year, evaluation of the work load and capacity of the Commission to address priority issues, and a summary of the number, type, and disposition of complaints filed with the Police Department by members of the public.

10. To provide ongoing evaluation of oversight functions and responsibilities in coordination with the City Administrator's Office, including the ability to recommend to the City Council periodic reviews or audits of the Fire and Police Departments as well as the facilitation of community climate surveys and other community feedback mechanisms.

C. The provisions in this Section are supplemental to the powers of the Commission granted by Section 816 of the Charter.

2.09.050 Access to Records.

The Commission shall have access to all Fire and Police Department files and records allowable according to state law.

2.09.060 Public Statements of the Commission.

Official communications of the Commission shall be approved by majority vote of the entire membership taken at a public meeting. The Commission by majority vote of the entire membership may designate one of its members to make official statements to the public. Other members may publicly discuss the role of the Commissioner and the Commission's public and official business for educating the community consistent with the limitations of this Section and the Brown Act.