

City of Santa Barbara

# Community Formation Commission's Recommendations for Civilian Oversight of the Santa Barbara Police Department

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## Introduction

The Santa Barbara community, led by the efforts of Healing Justice Santa Barbara and other community organizers, has called for the proactive establishment of accountability measures that represent the interests of the community as a whole and support the Santa Barbara Police Department's commitment to community-oriented policing. As a result, the Santa Barbara City Council established the Community Formation Commission (CFC) in 2020 to guide the creation of a civilian police oversight system. The CFC explored different civilian police oversight systems, existing and new police accountability systems, and the specific needs of Santa Barbara's many communities. The CFC also worked in collaboration with the Santa Barbara Police Department (SBPD) to review its existing standards and protocols. After nearly a year of extensive research, deliberations, and community feedback, the CFC makes the following recommendations to the City Council to create an effective and sustainable civilian oversight system in the City of Santa Barbara.

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## Members of the Community Formation Commission

- Demo Adamolekun
- Christian Alonso
- Ana Arce-Zepeda, Vice-Chair
- Serafina Chavez
- Gabriel Escobedo, Chair
- Leandra Harris (Served until July 14, 2021)
- Kim Johnson
- Rachel Johnson
- Jordan Killebrew
- Jacob Lesner-Buxton (Served until September 24, 2021)
- Mary O’Gorman (Served until November 10, 2021)
- Louis Reynaud
- Lizzie Rodriguez
- Rich Sander
- Louisa Wood

## Partners

- **City of Santa Barbara Staff Support**
  - John Doimas, Assistant City Attorney
  - Shawn Hill, Lieutenant
  - Bernard Melekian, Interim Police Chief
  - Sam Ramirez, Senior Administrative Analyst
  - Tony Ruggieri, City TV Production Supervisor
- **National Association for Civilian Oversight of Law Enforcement (NACOLE)**
  - Cameron McElhiney, Director of Training and Education
- **Center for Court Innovation (CCI)**
  - Elizabeth Ling, Senior Program Manager - Criminal Defense Initiatives
  - Rachel Swaner, Research Director
  - Elise White, Deputy Director of Research

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## Background

The Community Formation Commission believes that the [Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices](#)<sup>1</sup> provides an excellent context for the process of establishing civilian oversight of law enforcement.

*“At its core, civilian oversight can be broadly defined as the independent, external, and ongoing review of a law enforcement agency and its operations by individuals outside of the law enforcement agency being overseen. Civilian oversight may entail, but is not limited to, the independent investigation of complaints alleging officer misconduct, auditing or monitoring various aspects of the overseen law enforcement agency, analyzing patterns or trends in activity, issuing public reports, and issuing recommendations on discipline, training, policies, and procedures. Taken together, these functions can promote greater law enforcement accountability, increased transparency, positive organizational change, and improved responsiveness to community needs and concerns.*

*By acting as an independent and neutral body reviewing the work of the law enforcement agency and its sworn staff, civilian oversight of law enforcement offers a unique element of legitimacy that internal accountability and review mechanisms simply cannot. Because civilian oversight agencies operate outside of the overseen law enforcement agency and report to local stakeholders outside of its chain of command, the findings and reports of an oversight agency are free from the real or perceived biases that are often the source of mistrust in a law enforcement agency’s internal systems. Similarly, a civilian oversight agency’s impartiality, neutrality, and adherence to findings of fact can alleviate officer skepticism in internal systems and bolster procedural fairness within the law enforcement agency as a whole.*

*The organizational structure and authority of civilian oversight agencies in the United States vary widely. While civilian oversight agencies can be broadly categorized into review-focused, investigation-focused, or auditor/monitor-focused models, no two oversight agencies are exactly alike. There is no one-size-fits-all approach that makes one form of civilian oversight better than another. Effective civilian oversight systems will reflect the particular needs of their local partners and incorporate feedback from community members, law enforcement and their unions, and government stakeholders in order to achieve the most sustainable and appropriate structure.*

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<sup>1</sup> Vitoroulis, Michael, Cameron McEllhiney, and Liana Perez. 2020. Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices. Washington, DC: Office of Community Oriented Policing Services.

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*As the field of civilian oversight grows in sophistication, many cities are combining various aspects of traditional oversight models to produce “hybrid” forms best suited for their local context.”*

The Community Formation Commission believes that the following recommendations will:

- Ensure that the SBPD is responsive to the concerns and needs of all members of the Santa Barbara community;
- Increase transparency;
- Strengthen relationships between the SBPD and the larger community; and
- Foster collaborative relationships between the oversight mechanism and the SBPD.

## **Civilian Oversight Model Recommendation**

In an effort to ensure there is transparency in the internal investigation process of the Santa Barbara Police Department, the Santa Barbara Community Formation Commission (CFC) recommends a hybrid oversight mechanism that would incorporate the review-focused and auditor/monitor-focused models of civilian oversight. In addition, it recommends that the oversight mechanism have the ability to hire an independent investigator, if necessary.

As a result, the CFC further recommends that the City of Santa Barbara create a Civilian Oversight Board (COB) and an Independent Police Monitor (IPM) position. The CFC recommends that the IPM staff the COB with assistance from the City Administrator’s Office. The following recommendations focus on the aspects of each element.

### **I. Review Element - Creation of the Civilian Oversight Board (COB)**

Review-focused agencies provide community members unaffiliated with sworn law enforcement an opportunity to review the quality of misconduct complaint investigations performed by the overseen department. However, the level of authority granted to a review-focused agency can vary. In some cases, they can go beyond the traditional mandate of reviewing completed Internal Affairs investigations. For instance, some are permitted to receive civilian complaints and forward them to the department for investigation; remand cases back to the department’s Internal Affairs Unit for further investigation; hear

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appeals from complainants or subject officers; recommend case dispositions, discipline, or revised departmental policies and procedures; hold public forums; and/or conduct community outreach.<sup>2</sup>

To fulfill the review element of this recommendation, the Community Formation Commission recommends that the City Council create a Civilian Oversight Board (COB), the purpose, composition, and authorities of which are outlined below.

A. Civilian Oversight Board (COB) Purpose Statement

The Santa Barbara community has called for creating an oversight mechanism to provide civilian oversight of the Santa Barbara Police Department (SBPD). This oversight mechanism will ensure that the SBPD is responsive to the concerns and needs of all members of the Santa Barbara community while promoting transparency and accountability and increasing public trust between the community and the SBPD.

The Community Formation Commission recommends that the City Council create a Civilian Oversight Board (COB). The COB will provide an opportunity for independent, objective community participation by:

- I. Reviewing and recommending revisions to police department policies, procedures, and training;
- II. Providing opportunities for community input and education on policing practices in Santa Barbara; and
- III. Providing a mechanism for the impartial and fair review of investigations completed by the SBPD regarding allegations of police misconduct brought by members of the public against sworn employees of the SBPD.

B. COB Composition, Qualifications, and Disqualifications for Membership

The Civilian Oversight Board (COB) shall be composed of seven (7) at-large members and two (2) alternates who have the experience that will garner the confidence and trust of the community, including relevant lived experience, demonstrated community standing, and relevant academic research or professional experience.

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<sup>2</sup> De Angelis, Rosenthal, and Buchner, “Civilian Oversight of Law Enforcement: Assessing the Evidence,” 27–28; Police Assessment Resource Center, “Review of National Police Oversight Models for The Eugene Police Commission,” 11–13; Attard and Olson, “Overview of Civilian Oversight of Law Enforcement in the United States,” 4–5; Bobb, “Civilian Oversight of Police in the United States,” 18–19.

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COB members shall be broadly inclusive of race, ethnicity, age, gender identity, sexual orientation, ability, economic status, neighborhood, and other communities reflected within the demographics of the City of Santa Barbara. Young adults, ages 18-24, and those with lived experience with homelessness and/or arrest or conviction records shall be encouraged to apply.

Stakeholders should consider involving relevant local civic organizations and community organizations in the appointment process, so as to leverage their expertise, outreach, and representation of cross-sections of the community.

The CFC recommends the following:

- I. COB Members shall demonstrate a commitment to a transparent, fair, and just process to perform the duties laid forth in these recommendations.
- II. Members of the COB shall reside, and/or work, and/or be enrolled in an educational program in the City of Santa Barbara at the time of appointment.
  - i. It is recognized that some COB members may experience high housing mobility and, as a result, may move their residency or employment outside city boundaries during their term for housing or financial reasons. COB members who do so may remain on the board for the duration of their term provided that they still reside in Santa Barbara County, but may not be reappointed if they reside and/or work outside the City of Santa Barbara.
- III. Up to one (1) seat on the COB may be filled by a community member with lived experience as sworn law enforcement who meets the following criteria:
  - i. They have not previously served as a sworn law enforcement officer in Santa Barbara County;
  - ii. They have been retired from law enforcement for seven (7) or more years;
  - iii. They do not have a history of misconduct while serving as a sworn law enforcement officer. The finding that is considered the definition of misconduct is taken from SB1421 and SB16 and is defined as the following:
    - 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 oversight agency that a peace officer or custodial officer engaged in conduct

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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 oversight agency that the peace officer made an unlawful arrest or conducted an unlawful search;
- e. A sustained finding involving sexual assault by an officer involving a member of the public; and
- f. A sustained finding of dishonesty by an officer directly related to the reporting, investigation, or prosecution of a crime or an investigation of misconduct by another officer.

- iv. They agree to provide access to their personnel records via a waiver form created by the City for each such agency they were employed at as a peace officer.

IV. No member of the COB shall be an employee of the City of Santa Barbara nor an immediate family member of current or former SBPD employees or employees of the City of Santa Barbara. For the purposes of this ordinance, “immediate family” refers to an individual’s spouse or designated family, registered partner, or an individual’s relative by marriage, lineal descent, or adoption.

### C. Appointment and Terms of Members

The City of Santa Barbara shall use the City’s current appointment process for Boards and Commissions, ensuring members be broadly inclusive of race, ethnicity, age, gender identity, sexual orientation, ability, economic status, neighborhood, and other communities reflected within the demographics of the City of Santa Barbara.

A measurable emphasis shall be made to seek nominations from community-based organizations that have an interest in civil rights, immigrant rights, disability/mental health rights, racial equity, social justice, and that also have an interest in public safety and criminal justice reform.

The CFC recommends the following for the appointment process:

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- I. City Council shall select seven (7) members for three-year terms and a first and second alternate for two-year terms from an applicant pool. Council will give special weight to nominations from neighborhood and community organizations.
  - II. COB members shall serve a maximum of two consecutive terms, dependent on Council approval, to ensure the addition of new perspectives while maintaining institutional knowledge. In addition, terms shall be staggered to preserve institutional memory and informed decision-making.
    - i. When the COB is initially created, it is recommended that three (3) members be appointed for three-year terms, two (2) for two-year terms, and two (2) for one-year terms. Regardless of the length of term, board members will still only be able to serve no more than two consecutive terms.
  - III. Any vacancy shall be filled by the first alternate and second alternate as needed. The alternate positions will be filled during the following commission recruitment period or, if necessary, a special recruitment process. If an alternate is appointed to fill an unexpired term, that Member's term shall end at the same time as the term of the person being replaced.

D. Training

- I. In collaboration with the Independent Police Monitor (IPM), a position created to ensure that the duties of the oversight mechanism are fulfilled, and with input from the SBPD, the Civilian Oversight Board (COB) shall establish training criteria annually that will allow the oversight mechanism to carry out its oversight duties.
- II. The CFC recommends that training may include, but need not be limited to:
  - i. Santa Barbara Police Department operations, policies, practices, and procedures;
  - ii. Police oversight and community policing;
  - iii. Brown Act, Constitutional rights, Public Safety Officers' Bill of Rights Act (POBAR), and other relevant statutes;
  - iv. Training to better understand the history of race and policing, the importance of equity, and the cultures that make up the Santa Barbara community;
  - v. Sexual Harassment training;
  - vi. Ride-a-longs or other equivalent immersive experiences;
  - vii. Confidentiality requirements;
  - viii. Steps in the criminal justice process (arrest, booking, arraignment, bail, hearings, trial, etc.);

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- ix. Community outreach practices;
  - x. Use-of-Force and De-Escalation practices; and/or
  - xi. Investigation techniques.

In addition, a portion of the budget should be set aside for COB members to attend NACOLE and/or other relevant training opportunities.

#### E. Duties and Authorities

The CFC recommends the Civilian Oversight Board (COB) have the following duties and authorities:

- I. *Make Policy Recommendations*
  - i. In collaboration with the Independent Police Monitor (IPM), the COB shall make recommendations regarding policies, practices, and procedures of the Santa Barbara Police Department.
  - ii. The Chief of the Santa Barbara Police Department shall be required to respond to the recommendations, in writing, no more than forty-five (45) business days from the delivery of the recommendations, with an additional thirty (30) days when needed and upon request.
- II. *Involvement in the hiring and evaluation of the Independent Police Monitor (IPM)*
  - i. The COB shall be involved in the hiring process of the IPM.
  - ii. The COB shall provide input to the City Administrator on the effectiveness of the IPM through annual review.
  - iii. To maintain the appearance of independence, it is recommended that, if and when members of SBPD are included in any aspect of the hiring process, a representative of the COB shall also be present and allowed to participate.
  - iv. The Chair of the Community Formation Commission (CFC) shall be involved in the inaugural hiring process.
- III. *Request Data Related to SBPD Pattern & Practice*
  - i. The COB shall have the ability to direct the IPM to collect data or information relevant to SBPD practices that is relevant to fulfilling the civilian oversight mechanism's powers and duties. The data shall be presented and accessible during public meetings of the COB to the extent allowed by law.
- IV. *Review Complaint Process*
  - i. In collaboration with the IPM and the City Attorney's office, the COB shall, based on current, established effective civilian oversight practices, assist in the

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creation of a process for receiving and investigating complaints from community members regarding the SBPD. The process shall allow for multiple options for filing, processing, and forwarding complaints to the SBPD for investigation in a timely manner.

- ii. The developed process shall include the acceptance of:
  - 1. Third-party complaints;
  - 2. Anonymous external complaints;
  - 3. Anonymous internal complaints; and
  - 4. Complaint procedures that protect those who file complaints.
- iii. The complaint process will include measures to protect those that file complaints.
- iv. The COB, in conjunction with the IPM, shall conduct ongoing reviews of the effectiveness of the current complaint process.

V. *Closed Session*

- i. The COB will meet in a closed session when discussing or reviewing the details or case files of open or closed complaint investigations, to the extent permitted by law.

VI. *Issue Subpoenas*

- i. In the case where an independent investigation is initiated, the COB may request that the IPM, to the extent permitted by law, issue subpoenas for the purpose of compelling testimony or receiving relevant documents from third parties.

VII. *Conduct Community Outreach*

- i. The COB will provide ongoing evaluation of the oversight and law enforcement agencies through community climate surveys and evaluation mechanisms.
- ii. The COB will ensure that all communications are multilingual and accessible to all members of the community. The COB shall work with City staff to provide feedback on the COB website and other outreach materials.
- iii. The COB may provide a forum to gather community concerns about incident-specific police actions and may receive and forward complaint information to the IPM for processing.

VIII. *Foster a Collaborative Relationship with the SBPD and Other City Departments*

- i. In an effort to foster relationships that promote accountability, transparency, and effectiveness in its work, the IPM will prioritize effective communication and collaboration with the SBPD and other city departments regarding all matters of concern identified in the course of the COB and IPM's work.

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- IX. Involvement in the Hiring of the Police Chief*
- i. With input from the IPM, the COB shall provide input to the City Administrator and City Council on the qualities and qualifiers that should be considered in the hiring process of the Police Chief.
- X. Contract Services to Fulfill Duties*
- i. The COB can request contract services using the City's current process under Section 518 of the City Charter to carry out the mandate of the civilian oversight mechanism.
  - ii. In an effort to mitigate real or perceived conflicts, the COB shall have the ability to direct the IPM to request that the City Council contract with outside legal counsel and investigators, as necessary, and in accordance with the powers and duties outlined in these recommendations.
- XI. Budget Proposal Approval*
- i. The COB shall provide input on the IPM's annual budget proposal before it goes to the City Council for review.
- XII. Officer-Involved Shootings*
- i. The COB will work with the Santa Barbara Police Department to receive updates and, when possible, review officer-involved shooting investigations (regardless of whether a person was hit by gunfire).
  - ii. The COB will Inform the public of the status of the investigation by convening forums for public input and the transfer of available information.

F. Stipends

The CFC recommends that the City of Santa Barbara provide stipends for COB members' duties and work for the COB. The CFC suggests:

- I. Each COB member receives a stipend of \$50.00 for each regular or special board meeting and each mandated training session that occurs outside of these meetings. The total stipend paid may not exceed \$400.00 per month per COB member.
  - i. COB member stipends and the total monthly stipend paid may be annually adjusted at the discretion of the City Council.
- II. COB members shall be reimbursed for reasonable expenses incurred in performing their duties, in accordance with City policies regulating reimbursement to City of Santa

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Barbara officers and employees (including parking and transportation in attending meetings of the COB).

- i. The COB and the IPM shall, in consultation with the City Administrator, establish policies and procedures regarding qualified expenses and reimbursement.

G. Santa Barbara Police Department Liaison

To facilitate a cooperative, collaborative, and supportive relationship, the CFC recommends that the Santa Barbara Police Department (SBPD) designate a high-ranking individual within the SBPD to serve as a liaison to the Civilian Oversight Board (COB). The liaison shall:

- I. Serve as the point of contact for the COB;
- II. Respond to requests for relevant records;
- III. Notify the COB of important events and information;
- IV. Facilitate access to the Police Chief and/or other high-ranking SBPD employees;
- V. Answer questions from the COB, when needed; and
- VI. Disseminate information from the COB meetings to the professional and sworn staff of the SBPD.

**II. Auditor/Monitor Element - Creation of the Independent Police Monitor (IPM)**

The Community Formation Commission recommends that the City create the position of Independent Police Monitor (IPM) to review the handling of complaints, review trends in policing, recommend improvements to police practices, support the Civilian Oversight Board (COB), and engage with the public. This position will be integral in the work to ensure the SBPD continues to be responsive to the needs of all members of the Santa Barbara community, thereby promoting and building public trust, transparency, and accountability. The IPM will be housed in the City Administrator's Office, working independently from, but collaboratively with, the SBPD.

The IPM will analyze patterns and trends, recommend changes in policies and procedures, promote a positive community-centered culture within the department, and address systemic issues. It will work to monitor aspects of the SBPD, including, but not limited to, complaints, discipline, training, staffing and recruitment, use of force, approaches to crime prevention, and de-escalation strategies. It will also develop and issue, in collaboration with the COB, recommendations regarding any aspects of the law enforcement agency that are within its purview. In addition, it will review and monitor the overall

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complaint process to ensure that it is fair, thorough, complete, and accessible and that individual complaint investigations comply with established policies and procedures.

The IPM's purpose, authorities, and staffing details are outlined below.

A. Duties and Authorities

The CFC recommends that the Independent Police Monitor (IPM) have the following duties and authorities:

- I. Carrying out the day-to-day responsibilities of the civilian oversight mechanism in a way that ensures procedural justice for all involved parties. These day-to-day responsibilities shall include, but are not limited to:
  - i. Receiving and processing complaints concerning alleged misconduct of sworn members of the SBPD;
  - ii. Ensuring that the Santa Barbara community is aware of the complaint process and how it may be accessed;
  - iii. Monitoring the complaint process from submission through investigation;
  - iv. Produce annual reports detailing the work of both the IPM and the COB;
  - v. Recommending best practices to the Professional Standards Unit during the course of an investigation;
  - vi. Performing ongoing analysis of complaint trends;
  - vii. Recommending changes to police policy, practices, and training based on evidence-based effective practices;
  - viii. Analyzing and verifying reporting trends in completed police employee disciplinary decisions, all with the goal of identifying changes that will improve police services to the community;
  - ix. Working to enhance community relationships and build trust through community engagement opportunities; and
  - x. Other duties as directed by the Civilian Oversight Board (COB) and City Administrator.
- II. In collaboration with the COB and the City Attorney's office, the IPM shall, based on current, established effective civilian oversight practices, create and support a process for the IPM receiving and the SBPD investigating complaints from community members regarding the SBPD that allows for multiple options for filing, processing, and

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forwarding on to the SBPD for investigation in a timely manner. The developed policy shall include the acceptance of:

- i. Third-party complaints;
- ii. Anonymous complaints;
- iii. Anonymous internal complaints; and
- iv. Complaint procedures that protect those who file complaints.

III. The IPM will produce annual public reports detailing the work product of both the COB and the IPM. This includes, but is not limited to, reporting on:

- i. Reviews completed;
- ii. Identified patterns and trends;
- iii. Recommendations and their implementation;
- iv. Community engagement activities;
- v. Data related to complaints received by both the IPM and the SBPD;
- vi. Investigation outcomes;
- vii. Crime reports and statistics related to SBPD activity;
- viii. Identified statistics or measures that may be relevant to the community but are currently missing, unreported, or underreported; and
- ix. If needed, additional public reports may be issued by the IPM throughout the year.

IV. The IPM shall actively, and on an ongoing basis, monitor the SBPD's compliance with its own policies, procedures, and governing laws.

- i. In its monitoring, the IPM shall review policy, procedures, and training and make associated recommendations based on the findings to address issues of concern to the community, SBPD, and City Council.
- ii. The IPM will work in collaboration with the COB on recommendations related to SBPD's policy, procedures, and training, submitting them to the COB for feedback prior to submission to the Chief of Police and, ultimately, the City Council.
- iii. The Chief of the Santa Barbara Police Department shall be required to respond to the recommendations, in writing, no more than forty-five (45) business days from the delivery of the recommendations with an additional 30 days when needed and upon request.
- iv. If at any time the SBPD, IPM, and COB are unable to resolve disagreements, the matter will be sent to the City Administrator for resolution.

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- V. Conduct community outreach and education on the complaint process.
  - VI. In the case where the IPM and the COB find that a completed investigation of misconduct has not been adequately investigated, as outlined in Section II, E, the COB may, by a two-thirds vote, authorize the IPM to initiate an independent investigation based on the items outlined in Section II, E.
    - i. In the case that an independent investigation is initiated, the IPM may, to the extent permitted by law, issue subpoenas for the purpose of compelling testimony or receiving relevant documents when independent investigations are initiated.
  - VII. To the extent permitted by law, the IPM shall have unfettered access to all SBPD records, policies, standard operating procedures, data, and other relevant information necessary to fulfill its mandate.
  - VIII. The IPM and COB may conduct audits on the pattern and trends on discipline issued by the SBPD. However, the COB may not make recommendations on discipline for individual officers due to the restrictions outlined in City Charter Sections 604 and 607.

B. Staffing

To ensure that the Independent Police Monitor (IPM) can perform their work thoroughly, in a timely fashion, and at a high level of competency, adequate resources are necessary.<sup>3</sup> The CFC, therefore, recommends that the City of Santa Barbara create one (1) full-time staff position, outlined below.

- I. The IPM will hold the following responsibilities:
  - i. Receiving and processing complaints submitted to the office of the Independent Police Monitor (IPM) or the SBPD;
  - ii. Working in collaboration with the City Administrator's Office, the City Attorney's Office, the Civilian Oversight Board (COB), and the Santa Barbara Police Department (SBPD) to establish criteria and policy around reviewing, monitoring, assisting, overseeing, and advising on the investigation of internal and citizen complaints;
  - iii. Developing and maintaining standard operating procedures to ensure all matters are handled in a thorough, objective, fair, and impartial manner;

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<sup>3</sup> Vitoroulis, Michael, Cameron McEllhiney, and Liana Perez. 2021. Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices. Washington, DC: Office of Community Oriented Policing Services.

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- iv. Performing ongoing analysis of complaint trends;
  - v. Recommending, in collaboration with the COB, police policy, practices, and training;
  - vi. Analyzing and verifying reporting trends in completed police employee disciplinary decisions, with the goal of identifying changes that will improve police services to the community;
  - vii. Enhancing community relationships and building trust through community engagement opportunities;
  - viii. Working with the City Administrator's Office to ensure that the Civilian Oversight Board (COB) has the resources necessary to carry out its duties;
  - ix. Coordinating and facilitating the COB's annual training;
  - x. Conducting community climate surveys and internal SBPD climate surveys; and
  - xi. Establishing and maintaining effective relationships with the Civilian Oversight Board (COB), the Santa Barbara Police Chief, and Santa Barbara Police Department (SBPD) personnel.

C. Hiring and Terms of Employment

- I. To ensure adequate time to develop systems of operation for the oversight mechanisms, it is recommended that the Independent Police Monitor (IPM) be a full-time employee or an independent contractor for an initial term of at least four (4) years. As an executive "at-will" position, consideration shall be given to language in the contract terms that the IPM can be terminated only for sufficient cause, such as ethical violations, abuse of power or authority, or unprofessional conduct, and with the concurrence of the City Council.
- II. The IPM must never have been employed by any law enforcement agency within Santa Barbara County.
- III. The IPM must not be an immediate family member of a current or former SBPD employee.
  - i. For the purposes of these recommendations, "immediate family" refers to an individual's spouse or designated family or registered domestic partner or an individual's relative by marriage, lineal descent, or adoption.
- IV. The performance of the IPM will be reviewed annually.

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- i. The annual review of the IPM will be completed by the City Administrator with input from the COB in accordance with standard City practice. The IPM has 30 days to respond to the review.
    - a. Following the IPM's review, the review and response shall be sent to the City Administrator for their input and response.
  - ii. The annual review of the oversight mechanism shall be conducted by the IPM with input from the COB, City Administrator, and Chief of Police. The final review and resulting recommendations will be sent to the City Council for their response.

#### D. Community Engagement

The Independent Police Monitor (IPM) , in collaboration with the Civilian Oversight Board (COB), will be responsible for:

- I. Multilingual and otherwise accessible outreach and education to a diverse representation of the community in a way that allows for broad community input through public meetings;
- II. Developing opportunities for the community to learn more about the work of both the COB and the SBPD;
- III. Presentations to the community, advocacy groups, and SBPD;
- IV. Ensuring all printed and digital communications regarding the work of the oversight mechanism are engaging, timely, thorough, transparent, and accessible by the public;
- V. Engagement with a focus on building relationships between the SBPD and the communities they serve with specific attention given to historically underserved, marginalized communities, and those disproportionately affected by the criminal justice system;
- VI. Promoting restorative approaches such as community mediation, alternative dispute resolution, and community dialogue; and
- VII. Conducting a climate survey every three-five (3-5) years to measure satisfaction with the performance and practices of the SBPD, the IPM, and the COB, as well as to better understand the needs of the community.
  - i. This should include an internal survey within the SBPD to evaluate the culture and practices of the department, focusing on the practice of community-based policing and relationship-based policing used.

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- ii. In collaboration with the City of Santa Barbara Human Resources Department, the process would include analyzing information related to employee satisfaction within the SBPD.

E. Independent Investigations

Upon review of a completed complaint investigation by the SBPD Professional Standards Unit, it may be determined by the Independent Police Monitor (IPM) that additional information is necessary to thoroughly review the completed investigation and/or the completed investigation is deficient.

- I. In such cases, the IPM, in consultation with the COB, shall identify specific areas of concern and may take the following actions to the extent permitted by law:
  - i. Request additional information not originally contained in the complaint investigation file to be forwarded to the IPM for review; and/or
  - ii. Return the investigation to the Professional Standards Unit for further investigation of the allegations.

The SBPD will have forty-five (45) days to provide the information or complete the additional investigation. A one-time extension of thirty (30) days to respond to the IPM and COB's recommendation may be requested.

Upon return, the IPM can accept the complaint investigation as complete and forward it to the COB for review *or* determine that the additional information provided and/or additional investigation is deficient. If the additional information provided and/or additional investigation information is identified as deficient, the IPM, in consultation with the COB may return the investigation back to the Professional Standards Unit with specific direction.

- I. The COB may identify new concerns that may cause the investigation to remain incomplete, but there must be a direct nexus to the originally identified concerns.
- II. The professional standards unit shall have thirty (30) days to return to the COB with a completed investigation that addresses the COB's concerns.

If the investigation is deemed deficient after returning for the second time, the IPM can refer the matter to the COB. Upon review, the COB can, to the extent permitted by law, and upon a two-thirds majority vote, direct the IPM to work with the City Administrator's Office to contract with an independent investigator to conduct an independent investigation.

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If the IPM believes a second referral to the SBPD could compromise an independent investigation being completed within the Police Officer Bill of Rights (POBR) statute of limitations, the matter does not have to be referred to SBPD for a second time as stated above.

F. Relationship Between the Civilian Oversight Board (COB) and the Independent Police Monitor (IPM)

To create a system of checks and balances, the Community Formation Commission (CFC) recommends:

- I. The Civilian Oversight Board (COB) shall participate in the hiring process of the Independent Police Monitor (IPM), which will be a full-time employee of or independent contractor for the City of Santa Barbara.
  - i. The recruiting process for selecting the IPM shall include community input and the IPM shall be appointed following the confirmation process.
  - ii. A screening committee, including at least one member of the COB, shall interview and evaluate candidates for the IPM to help determine the top candidates in accordance with the City of Santa Barbara's policies and procedures.
- II. While it is intended that the IPM have significant independence and discretion in conducting the day-to-day activities of the oversight mechanism, the IPM shall act as directed by and in collaboration with the COB.
- III. The IPM shall provide staff support to the COB with the ability to contract with specialized staff when needed to carry out the day-to-day operations of the oversight mechanism.
  - i. The IPM will staff the Civilian Oversight Board (COB) for meetings and training.
  - ii. The IPM will work directly with the COB to establish an annual training schedule with input from the City Attorney and SBPD.
- IV. In collaboration with the COB, the IPM will be responsible for coordinating all required and specialized training for the COB.
- V. The IPM shall carry out other duties that fall within its purview and are requested by the COB.

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## G. Evaluation

It is recommended that, at the end of the third (3<sup>rd</sup>) year of the IPM and COB's creation and every five (5) years thereafter, the IPM and COB shall undertake a detailed evaluation of the oversight mechanism consistent with the City's current process.

- I. This detailed evaluation shall include a candid assessment of the strengths, weaknesses, successes, and failures.
- II. It shall also contain any recommended revisions to its responsibilities and/or authority, and whether an independent management audit should be conducted.
- III. The evaluation should contain recommendations on improvements regarding oversight operations.
- IV. The evaluation shall be submitted to the City Council, City Administrator, and the Police Chief and shall be made available to the public, subject to applicable privileges and protections.
- V. The evaluation should include a recommendation on pursuing a City Charter amendment to address Charter conflicts.
- VI. The Police Chief will have sixty (60) days to provide to the City Council, City Administrator, IPM, and the COB their comments on the evaluation.
- VII. The City Council shall, following the evaluation being transmitted, review the evaluation and the Police Chief's comments to determine whether an independent audit should be conducted.
- VIII. Within one (1) year following the issuance of direction from the City Council or the independent audit, the IPM shall provide a written report to the City Council regarding the status of the implementation of the recommendations identified in the evaluation/independent audit.
  - i. This written report shall be made available to the public, subject to applicable privileges and protections.

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## ADDENDUM

The Community Formation Commission (CFC) believes that the preceding recommendations will create an effective and sustainable oversight mechanism for the the City of Santa Barbara. However, it realized during this process that limitations and further considerations exist. Constraints presented by the existing City Charter, state statutes, and budgetary concerns prevented the CFC from recommending all of the authorities, jurisdiction, and compensation it felt would be appropriate for an oversight mechanism in the City of Santa Barbara. It is therefore requested by the CFC that the following be considered as future action by the Santa Barbara City Council and its voters:

- I. An amendment to the City Charter to allow for the recommendation of discipline by the COB in collaboration with the IPM. This change would then allow the oversight mechanism to not be constrained by existing state statutes which currently will not allow the discussion of cases by the COB in closed session.
- II. The creation of policies to allow for the reimbursement of child and elder care expenses incurred by volunteer board and commission members while performing their duties for the City to promote broader representation.
- III. The application of the following recommendation to all City boards and commissions (see Section B.II.i above) : *It is recognized that some COB members may experience high housing mobility and, as a result, may move their residency or work outside city boundaries during their term for housing or financial reasons. Board members who do so may remain on the Board for the duration of their term provided that they still reside in Santa Barbara County, but may not be reappointed if they reside and/or work outside the City of Santa Barbara.*