

*The following is based on the conversations and deliberations of the Santa Barbara Community Formation Commission during meetings of the full commission. What is included does not represent the final recommendations. Instead, what follows is the draft language as of January 26, 2022. This draft language will continue to be modified until the draft recommendations are approved for the community outreach process.*

City of Santa Barbara

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

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## Introduction

Following the murder of George Floyd and the subsequent demands for police reform, members of the Santa Barbara community came together to advocate for civilian oversight. 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 more than a year of extensive research and deliberations, the CFC makes the following recommendations to the City Council to create an effective and sustainable civilian oversight system in Santa Barbara.

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## Members of the Community Formation Commission

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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*

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<sup>1</sup> Vitoroulis, Michael, Cameron McElhiney, 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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*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. 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 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 agency and the SBPD

## **Civilian Oversight Model Recommendation**

In an effort to make sure there is transparency in the internal investigation process of the Santa Barbara Police Department, the Santa Barbara Community Formation Commission has recommended a hybrid agency that would incorporate the review-focused and auditor/monitor-focused models of civilian oversight. In addition, it recommends that the agency 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 Office of Police Oversight (OPO). The CFC recommends that the OPO 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

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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 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 are outlined below.

A. Civilian Oversight Board (COB) Purpose Statement

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

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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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B. COB Composition, Qualifications, and Disqualifications for Membership

The Review Board shall be composed of eleven (11) at-large members and two (2) alternates who have the personal and/or professional 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.

Board Members shall be broadly inclusive and reflective of race, ethnicity, age, gender identity, sexual orientation, ability, economic status, neighborhood, and other communities of interest within 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 groups 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. Board 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 Review Board 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 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.
- III. No member of the Board shall have ever worked as a sworn law enforcement officer.
- IV. No member of the Board shall be an employee of the City of Santa Barbara nor an immediate family member of current or former SBPD employees or

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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 reflective of race, ethnicity, age, gender identity, sexual orientation, ability, economic status, neighborhood, and other communities of interest in 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:

- I. City Council shall select eleven (11) 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. Board 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 Review Board is initially created, it is recommended that four (4) members be appointed for three-year terms, four (4) for two-year terms, and three (3) 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

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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 Director of Police Oversight, a position created to ensure that the duties of the Office of the Police Oversight are fulfilled, and with input from the SBPD, the Civilian Oversight Board shall establish training criteria annually that will allow the oversight agency to carry out its oversight duties.
- II. The CFC recommends that the Civilian Oversight Board training may include but 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)
  - ix. Community outreach practices
  - x. Use-of-Force and De-Escalation practices
  - xi. Investigation techniques

In addition, a portion of the budget should be set aside to send COB members to NACOLE training events.

#### E. Duties and Authorities

The CFC recommends the Civilian Oversight Board have the following duties and

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authorities:

- I. *Make Policy Recommendations*
  - i. In collaboration with the Director of Police Oversight, the Board 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 later than forty-five (45) business days from the delivery of the recommendations with an additional 30 days when needed and upon request.
- II. *Involvement in the hiring, evaluation, and firing of the Director of Police Oversight*
  - i. The COB shall be involved in the hiring/firing process of the Director of Police Oversight.
  - ii. The COB shall provide input to the City Administrator and City Council on the effectiveness of the Director of Police Oversight through annual review.
- III. *Request Data Related to SBPD Pattern & Practice*
  - i. The COB shall have the ability to direct the Director of Police Oversight 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 OPO and the City Attorney's office, the COB shall, based on current, established effective civilian oversight practices, assist in the 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

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4. Complaint procedures that protect those that file complaints.
  - iii. The complaint process will include measures to protect those that file complaints.
  - iv. The COB, in conjunction with the OPO, shall conduct ongoing reviews of the effectiveness of the current complaint process.
- V. *Closed Session*
- i. The Board 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 an independent investigation is initiated, the COB may request the Director of Police Oversight (DPO), to the extent permitted by law, issue subpoenas for the purpose of compelling testimony or receiving relevant documents from third-parties when independent investigations are initiated.
- VII. *Conduct Community Outreach*
- i. Providing ongoing evaluation of the oversight and law enforcement agencies through community climate surveys and evaluation mechanisms.
  - ii. Ensuring 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 Office of Police Oversight (OPO) 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 OPO 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 OPO's work.
- IX. *Involvement in the Hiring of the Police Chief*
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- i. With input from the Director of Police Oversight, 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.
  - X. *Contract Services to Fulfill Duties*
    - i. The COB shall have the ability to request contract services using the City's current process 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 Director of Police Oversight to 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 Office of Police Oversight'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. 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 Board member is entitled to receive a stipend of \$100.00 for each regular and special Board meeting attended and \$20.00 per hour for each hour of training or community outreach event.
  - i. The total stipend paid may not exceed \$400.00 per month per COB member.

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- ii. COB member stipends and the total monthly stipend paid may be adjusted from time to time by the City Council.
    - a. Adjustments to COB member stipends shall occur no more than once per fiscal year.
  - II. The City of Santa Barbara shall provide stipends for child/elder care during sanctioned meetings and activities of the Review Board.
    - i. The CFC recommends reimbursement of up to \$50 per meeting for child/elder care.
    - ii. The COB and the OPO shall, in consultation with the City Administrator, establish a reimbursement process specific to child/elder care stipends.
  - III. Review Board members shall be reimbursed for reasonable expenses incurred in performing duties in accordance with City policies regulating reimbursement to City of Santa Barbara officers and employees (including parking and transportation in attending meetings of the COB).
    - i. The COB and the DPO 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 and supportive relationship, the CFC recommends that the Santa Barbara Police Department designate a high-ranking individual within the SBPD to serve as a liaison. The liaison shall:

- I. Serve as the point of contact for the Civilian Oversight Board (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
- VI. Disseminate information from the COB meetings to the professional and sworn staff of the SBPD

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## II. Auditor/Monitor Element - Creation of the Office of Police Oversight (OPO)

It is recommended that the Office of Police Oversight (OPO) be created for the purpose of providing civilian oversight of the Santa Barbara Police Department (SBPD) and ensuring that the SBPD is responsive to the needs of all members of the Santa Barbara community, thereby promoting and building public trust, transparency, and accountability. The OPO will live in the City Administrator's Office, working independently from but collaboratively with the SBPD. It will be managed by the Director of Police Oversight who will be responsible for ensuring that the duties of the OPO are fulfilled in consultation and collaboration with the Civilian Oversight Board (COB).

The OPO will encourage broad organizational change by analyzing patterns and trends, recommending changes in policies and procedures, promoting cultural change within the department, and addressing systemic issues. It will work to monitor aspects of 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 issue recommendations regarding any aspects of the law enforcement agency that are within its purview. In addition, it will review and monitor the overall complaint process to ensure that it is fair, thorough, and complete and that individual complaint investigations comply with established policies and procedures.

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

### A. Duties and Authorities

The CFC recommends that the Office of Police Oversight (OPO) have the following duties and authorities:

- I. The OPO carries out the day-to-day responsibilities of the civilian oversight agency in a way that ensures procedural justice.
- II. In collaboration with the COB and the City Attorney's office, the OPO shall, based on current, established effective civilian oversight practices, create and support a process for receiving and investigating complaints from community members regarding the SBPD that allows for multiple options for

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- filing, processing, and 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 OPO will produce annual public reports detailing the work of both it and the Civilian Oversight Board (COB), including but not limited to:
- 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 OPO and the SBPD
  - vi. Investigation outcomes
  - vii. Crime reports and statistics related to SBPD activity
  - viii. Additional public reports throughout the year
- IV. The OPO shall actively and on an ongoing basis monitor SBPD's compliance with its own policies, procedures, and governing laws.
- i. In its monitoring, the OPO 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 Director of Police Oversight will work in collaboration with the COB on these recommendations, submitting them to the board for feedback prior to submission to the City Council and/or the SBPD.
  - 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.
- V. Conduct community outreach and education on the complaint process.
- VI. In the case where it is felt that a completed investigation of misconduct has not been adequately investigated (see Section E), the COB may, by a

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two-thirds vote authorize the OPO to initiate an independent investigation based on the items outlined in Section E.

- i. In the case that an independent investigation is initiated, the OPO 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 Office of Police Oversight shall have unfettered access to all Santa Barbara Police Department (SBPD) records, policies, standard operating procedures, data, and other relevant information necessary to fulfill its mandate.
- VIII. Based on its review of sustained SBPD misconduct investigations and use-of-force incidents, the OPO may make recommendations, with approval of a majority of the COB, to the Chief of Police regarding administrative action, including possible discipline, for such personnel.
- i. The Chief of Police is required to provide a written response to the Director of Police Oversight and the Civilian Oversight Board within forty-five (45) days. A one-time extension of 30 days to respond to the OPO and COB's recommendation may be requested.

## B. Staffing

To ensure that the Office of Police Oversight is able to adequately carry out its duties, the CFC recommends that the City of Santa Barbara create two staff positions.

- I. Director of Police Oversight (Executive Management Unit)
  - i. The Director of Police Oversight is responsible for ensuring that the duties of the OPO are fulfilled in consultation and collaboration with the Civilian Oversight Board (COB).
  - ii. The Director will work with the City Administrator's Office to ensure that the COB has the resources needed to carry out its duties.
  - iii. The Director will be responsible for the monitoring and auditing functions of the OPO.

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- II. Community Ombuds (Management Unit)
    - i. The Community Ombuds will staff the Civilian Oversight Board (COB) for meetings and training.
    - ii. The Community Ombuds will work directly with the COB to establish an annual training schedule.
    - iii. The Community Ombuds will be responsible for working with the COB and the City Attorney to establish a process for receiving misconduct complaints about the Santa Barbara Police Department.
      - a. The Community Ombuds will receive complaints on behalf of the COB.
    - iv. The Community Ombuds will provide support to the Director of Police Oversight when needed.
    - v. The Community Ombuds will be responsible for all community outreach efforts, including community climate surveys and internal SBPD climate surveys.
    - vi. The Community Ombuds shall work closely with the SBPD to foster a collaborative relationship between the oversight agency and the SBPD including, but not limited to, collaborating on specific community programs.

C. Hiring and Terms of Employment

- I. It is recommended that the Director of Police Oversight (DPO) be contracted for a term of 3 or 4 years for the first contract.
- II. As an executive “at-will” position, consideration shall be given to language in the contract terms that the DPO 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.
- III. Employees of the OPO must never have been employed by any law enforcement agency within Santa Barbara County.
- IV. Employees of the OPO must not be immediate family members of a current or former SBPD employee.

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- 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.
  - V. The performance of the OPO and the Director of Police Oversight (DPO) will be reviewed by the Civilian Oversight Board (COB) as part of their annual review through the City’s Human Resources Department..
    - i. The annual review will be submitted to the City Administrator, the City Council, and the Police Chief.
      - a. The Director of Police Oversight has 30 days to respond to the review.
      - b. The City Council and City Administrator have 60 days to respond to the annual review.

#### D. Community Engagement

The Office of Police Oversight (OPO), in collaboration with the Civilian Oversight Board (COB), will be responsible for:

- I. Multilingual 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. Printed materials
- V. Transparent online presence
- VI. 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 policing.
- VII. Promoting restorative approaches such as community mediation, alternative dispute resolution, and community dialogue.

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- VIII. Conducting a climate survey every 3-5 years to measure satisfaction with the SBPD, the OPO, and the COB as well as 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.
  - ii. The internal survey should also include aspects that relate 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 DPO that additional information is necessary to thoroughly review the completed investigation and/or the completed investigation is deficient.

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

The SBPD will have thirty (30) days to provide the information or complete the additional investigation.

Upon return, the DPO 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 DPO, 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.

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- ii. The professional standards unit shall have thirty (30) days to return to the COB with a completed investigation that addresses the Board's concerns.

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

F. Relationship Between the Civilian Oversight Board (COB) and Office of Police Oversight (OPO)

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

- I. The Civilian Oversight Board (COB) shall participate in the hiring process of the Director of Police Oversight, which will be a full-time employee of the City of Santa Barbara.
  - i. The recruiting process for selecting the Director of Police Oversight shall include community input and 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 Director of Police Oversight to help determine the top candidates.
- II. While it is intended that the Director of Police Oversight have significant independence and discretion in conducting the day-to-day activities of the OPO, the Director of Police Oversight shall act as directed by and in collaboration with the COB.
- III. The OPO shall provide staff support to the Civilian Oversight Board with the ability to contract specialized staff when needed to carry out the day-to-day operations of the Office of Police Oversight (OPO).
  - i. The CFC recommends that a Supervisor level position be created to staff the COB among other duties.
- IV. In collaboration with the COB, the OPO will be responsible for coordinating all required and specialized training for the COB.

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- V. The Director of Police Oversight shall carry out other duties that fall within the mandate of the OPO and are requested by the COB.

#### G. Self Evaluation

It is recommended that at the end of the third year of the OPO and COB's creation and every five years thereafter, the Director of Police Oversight and Civilian Oversight Board shall undertake a detailed self-evaluation of the OPO and the COB consistent with the City's current process.

- I. This detailed self-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 the COB's operations.
- IV. The self-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 first self-evaluation should include a recommendation on pursuing a City Charter amendment to address Charter conflicts.
- VI. The Police Chief will have 60 days to provide the City Council, City Administrator, Director of Police Oversight, and the Civilian Oversight Board their comments on the self-evaluation.
- VII. The City Council shall, within 90 days following the self-evaluation being transmitted, review the self-evaluation and the Police Chief's comments to determine whether an independent audit should be conducted.
- VIII. Within one year following the issuance of direction from the City Council or the independent audit, the Director of Police Oversight shall provide a written report to the City Council regarding the status of the implementation of the recommendations identified in the self-evaluation/independent audit.
  - i. This written report shall be made available to the public, subject to applicable privileges and protections.