



## City of Santa Barbara

FIRE & POLICE COMMISSION  
SANTA BARBARA CITY HALL,  
COUNCIL CHAMBERS  
735 ANACAPA STREET

SPECIAL MEETING AGENDA  
APRIL 27, 2023  
3:00 P.M.

[www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov)

### Commissioners

Lizzie Rodriguez (Chair)  
Linda Dozer  
Dan Herlinger  
Gary Hill  
Ana Zepeda

**City of SB Council Liaison** – Oscar Gutierrez

### Staff

Chris Mailles, Fire Chief  
Kelly Gordon, Police Chief  
John S. Doimas, Assistant City Attorney  
Barbara Andersen, Senior Assistant to  
the City Administrator  
Talia Dorado, Administrative Specialist,  
City Administrator's Office  
Nicole Grisanti, Supervisor,  
City Administrator's Office

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**PUBLIC COMMENT:** At the beginning of the meeting, any member of the public may address the Fire and Police Commission on any subject matter within the jurisdiction of the Fire and Police Commission that is not on the Commission's agenda. The total amount of time for public comments will be 10 minutes, and no individual speaker may speak for more than 2 minutes. Contact Commission Secretaries at least 24 hours in advance to participate in public comment remotely, should a member of the public require an Americans with Disabilities Act accommodation.

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**WRITTEN PUBLIC COMMENT:** Public comments sent via email to

[FPCComments@santabarbaraca.gov](mailto:FPCComments@santabarbaraca.gov) and received no later than one (1) hour before the meeting will be submitted to the Fire and Police Commissioners and will become part of the public record.

**REPORTS:** Copies of documents relating to agenda items (as well as materials related to agenda items that were submitted to the Fire & Police Commission after distribution of the agenda) are available online at [www.santabarbaraca.gov/gov/brdcomm/dm/firepolice/agendas.asp](http://www.santabarbaraca.gov/gov/brdcomm/dm/firepolice/agendas.asp)

**CONSENT CALENDAR:** The Consent Calendar is comprised of items that will not usually require discussion by the Fire and Police Commission. A Consent Calendar item is open for discussion by the Fire and Police Commission upon request of a Commissioner, Fire and Police staff, or a member of the public. Items on the Consent Calendar may be approved by a single motion. Members of the public wishing to speak on an item listed on the Consent Calendar must turn in a "Request to Speak" form or "Raise their Hand" in the Zoom webinar prior to the Consent Calendar items being approved by the Fire and Police Commission.

**AMERICAN WITH DISABILITIES ACT:** If you need auxiliary aids or services or staff assistance to attend or participate in this meeting, please contact Talhia Dorado, Commission Secretary at (805) 564-5305 or Nicole Grisanti, Administrator's Office Supervisor at (805) 564-5301. If possible, notification at least 48 hours prior to the meeting will usually enable the City to make reasonable arrangements. Specialized services, such as sign language interpretation or documents in Braille, may require additional lead time to arrange.

**NOTICES:** This Agenda was duly posted in the Office of the City Clerk and on the Public Notice Board on the outside balcony of City Hall, 735 Anacapa Street, as well as on the Internet at least 72 hours prior to the date and time of the meeting.

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. CHANGES TO THE AGENDA**

**4. GENERAL PUBLIC COMMENT**

*Any member of the public may address the Fire and Police Commission for up to two (2) minutes on any subject within the jurisdiction of the Commission that is not scheduled for a public discussion before the Commission.*

**5. APPROVAL OF MINUTES FROM MARCH 23, 2023**

**6. DANCE PERMIT APPLICATION FOR WHISKEY RICHARDS DUE TO CHANGE IN OWNERSHIP**

**7. OIR GROUP AUDIT OF SANTA BARBARA POLICE DEPARTMENT POLICIES, PROCEDURES AND PRACTICES**

*Barbara Andersen from the City Administrator's Office will present the major observations and key recommendations from the Audit of the Santa Barbara Police Department conducted by the OIR Group. Andersen will be joined by Police Chief Kelly Gordon to share an update on the status of the Audit recommendations.*

**8. FY2024 BUDGET REVIEW FOR THE SANTA BARBARA POLICE DEPARTMENT**

*Police Chief Kelly Gordon will present the proposed budget for the Police Department for FY2024.*

**9. FY2024 BUDGET REVIEW FOR THE SANTA BARBARA FIRE DEPARTMENT**

*Fire Chief Chris Mailes will present the proposed budget for the Fire Department for FY2024.*

**10. QUARTERLY REPORT OF COMPLAINTS RECEIVED BY THE SANTA BARBARA POLICE DEPARTMENT**

*Commander Kasi Corbett of the Police Department will speak to the quarterly reporting of complaints received by the Department as required under the new oversight duties of the Fire and Police Commission.*

**11. AB 481 ANNUAL REPORTING FOR THE SANTA BARBARA POLICE DEPARTMENT**

*Lieutenant Charlie Katsapis of the Police Department will report on the use of military equipment by the Department as required by AB 481.*

**12. COMMISSION AND STAFF COMMUNICATIONS**

**13. ADJOURNMENT**



**CITY OF SANTA BARBARA  
FIRE & POLICE COMMISSION  
March 23, 2023  
REGULAR MEETING MINUTES  
Santa Barbara City Hall, Council Chambers  
735 Anacapa Street, Santa Barbara, CA 93101**

**CALL TO ORDER**

The meeting on Thursday March 23, 2023, was called to order at 4:02 p.m.

**ROLL CALL**

Fire & Police Commissioners:

**Commissioners Present:**

Lizzie Rodriguez, Chair  
Linda Dozer, Vice Chair  
Daniel Herlinger, Commissioner

**Commissioners Absent:**

Gary Hill, Commissioner  
Ana Zepeda, Commissioner

**Staff Present:**

Chris Mailes, Fire Chief  
Kelly Gordon, Police Chief  
Barbara Andersen, Senior Assistant to the City Administrator  
John S. Doimas, Assistant City Attorney  
Kasi Corbett, Commander, Santa Barbara Police Department  
Nicole Grisanti, Commission Secretary  
Talhia Dorado, Commission Secretary

**CHANGES TO THE AGENDA**

None

**PUBLIC COMMENT**

None

**APPROVAL OF MINUTES**

**MOTION:** A motion was made by Commissioner Herlinger to approve the February meeting minutes. Motion seconded by Vice Chair Dozer.

**VOTE:** Electronic vote results showed three (3) in favor of approving minutes.

**PRESENTATION ON CALIFORNIA SENATE BILL 2 PEACE OFFICERS: CERTIFICATION: CIVIL RIGHTS (2021 – 2022)**

Police Chief Gordon presented highlights of Senate Bill 2 signed into law by Governor Newsom

on September 30, 2021. This legislation increases accountability for misconduct by peace officers by making significant changes to the reporting, investigation, and de-certification processes.

### **OVERVIEW OF THE SANTA BARBARA POLICE DEPARTMENT'S USE OF FORCE POLICY AND INVESTIGATION PROCESS**

Commander Kasi Corbett of the Santa Barbara Police Department presented an overview of the Department's Use of Force policies and the investigative process for incidents involving the Use of Force.

### **INTRODUCTION TO SANTA BARBARA FIRE DEPARTMENT INCIDENTS AND DATA/METRICS**

Fire Chief Chris Mailes presented an overview of the Department's response to incidents as well as key data points / metrics.

### **COMMISSION AND STAFF COMMUNICATIONS**

Chair Rodriguez shared her insights after participating in a ride along with the Santa Barbara Police Department and Fire Department.

### **ADJOURNMENT**

The meeting was adjourned at 5:30 p.m.



# CITY OF SANTA BARBARA

## STAFF AGENDA REPORT

**DATE:** April 27, 2023

**TO:** Fire and Police Commissioners

**FROM:** City Administrator's Office

**SUBJECT:** Presentation of OIR Group Audit of Santa Barbara Police Department Policies, Procedures, and Practices

### BACKGROUND

The City Council approved conducting an Audit of the Santa Barbara Police Department on June 6, 2022, as a key component of creating and implementing a new civilian oversight system for law enforcement. The OIR Group, an independent team of police practices experts, was the firm selected to conduct the Audit due to their more than two decades of experience in oversight. The Audit was directed by the City Administrator's Office and primarily supported by Commander Kasi Corbett of the Police Department's Community Accountability Team.

The Scope of Work for the Audit included review of: (a) the Department's complaint process; (b) the need for Executive Development and Leadership training; (c) employee retention and recruiting; (d) Use of Force training and review; and (e) General policy compliance. The Audit was completed in March 2023 and includes 31 recommendations for consideration.

### EXECUTIVE SUMMARY

The initiation of the Audit by the City of Santa Barbara was uncommon in that unlike other jurisdictions, the City's review was not in response to a critical incident or a publicized case of police misconduct. Instead, the City took a proactive step to ensure transparency of the Department's policies, processes and practices as well as accountability to the highest of standards and best practices.

The Audit of the Santa Barbara Police Department by the OIR Group began in the summer of 2022. It was conducted during a transition in Department leadership as Interim Chief Bernard Melekian retired on July 15, 2022 and Chief Kelly Gordon was appointed on August 30, 2022. As expected with new leadership, Chief Gordon also began her own review and assessment of the Department's policies, procedures and practices.

Therefore, many of the recommendations identified by the OIR Group were also areas of improvement observed by the Chief and already in the process of being implemented before the OIR Group report was finalized.

The OIR Group highlighted several areas of strength in regard to Department leadership, community engagement, as well as the extraordinarily limited number of Uses of Force (UOF) cases. This was especially noteworthy considering the increased demands on the Department to respond to Calls For Service (CFS) relating to individuals in the midst of a mental or behavioral health crises.

Statistically speaking, there were only 147 incidents where use of force was utilized out of 45,111 contacts in 2022. Consequently, 99.67% of contacts did not result in force used. However, the OIR Group noted opportunities for enhanced review of Use of Force cases as well as providing further detail on de-escalation tactics that are utilized by officers.

OIR Group also highlighted the low number of complaints received by the Department and that the community has been largely supportive of the Department's work. All of the recommendations OIR made relating to the complaint process have already been implemented by the Professional Standards Unit (PSU). These improvements include enhancement of post-investigation communications, inclusion of all correspondence with complainants as part of the formal investigation file, and establishing an internal standard to complete a majority of investigations within 120 days.

A cross-cutting theme throughout the report is the impact of low staffing levels on the ability of the Department to support and promote professional development opportunities for officers, as well as exceed established training standards, which in turn impacts employee morale, retention, and promotion. Under Chief Gordon's leadership, Executive Development is being prioritized at the highest level and is one of the CORE<sup>1</sup> goals for the Department. The Department is also in the process of updating and improving its employee recruitment and retention strategies.

Of the 31 recommendations from the OIR Group, 19 recommendations have already been implemented and eight recommendations are in process. Three recommendations have been noted for further review.

## **NEXT STEPS**

The final Audit report and status of completion of recommendations will be presented to the City Council on May 2, 2023.

The City Administrator's Office has retained the expertise of Hassan Aden of The Aden Group, LLC to advise on implementation of recommendations as they relate to the new civilian oversight system.

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<sup>1</sup> CORE is City Outcomes Reaching for Excellence, a revamped performance measurement program that aligns with the City of Santa Barbara's new Vision 2023 Initiative.

Staff Agenda Report  
Presentation of OIR Group Audit of Santa Barbara Police Department Policies,  
Procedures, and Practices  
April 27, 2023  
Page 3

- ATTACHMENT(S):**
1. Audit of SBPD Policies, Procedures and Practices
  2. Status of SBPD Audit Recommendations



## Status of SBPD Audit Recommendations

Rec #	Recommendation	Status	Notes
1	SBPD should establish mechanisms to ensure that all its personnel, and its supervisors and managers in particular, engage in regular forms of professional development beyond mandatory state training requirements, with an eye toward increasing their own skill and expanding the agency's capabilities at the leadership level.	In Process	To be included as section in annual Management (MGMT) contract. Track through training for line level and Professional Standards Unit (PSU) for managers only. Executive development is one of the Department's CORE goals.
2	SBPD should pursue strategies to help encourage the involvement of female officers across a range of roles, and to ensure that its selection processes for promotions and special assignments incorporate a range of perspectives.	In Process	To be monitored and addressed as part of an annual audit process. All interview panels involve a diverse set of raters including gender.
3	SBPD should continue to provide organizational support for both the "community-based field training" concept and initiatives that promote relationship-building with groups that are often marginalized in the justice system.	Implemented	
4	SBPD should seek community involvement in reviewing the current grid qualities used to evaluate employee performance and seek input in refining those qualities to match community expectations more closely.	In Process	Update of Performance Evaluation is in process.
5	SBPD should provide more guidance to reviewers to indicate which qualities should be expressly discussed in the narrative section of employee evaluations.	Implemented	Already in practice and includes any qualities that Exceed Standards or Need Improvement.
6	SBPD should ensure that a prior supervisor contributes meaningfully to any evaluation of an employee who worked for the supervisor during the evaluation period.	In Process	Will be completed prior to re-assignment and captured in Guardian.
7	SBPD leadership should review its mechanism for tracking the dispositions of lower-level performance complaints and non-disciplinary interventions, to ensure that handling supervisors are following through in providing appropriate documentation and tailored interventions as needed.	Implemented	Already completed in Guardian.

Status of SBPD Audit Recommendations

8	SBPD should work to enhance its post-investigation communications with complainants, in order to provide additional information about the process and a mechanism for further dialogue or feedback where appropriate	Implemented	More detailed disposition letter in practice as of January 1, 2023.
9	SBPD should include any correspondence with complainants as part of the formal investigation file of every complaint case.	Implemented	In practice as of July 1, 2022.
10	SBPD should develop internal timelines for completion of investigations (90-120 days) and require a justification and supervisory approval for any extensions.	Implemented	Internal timeline for completion of investigations is 120 days as of January 1, 2023.
11	SBPD should continue its efforts toward expanding managerial “ownership” of the discipline process by involving lieutenants in decision-making and equipping all sergeants with the ability to conduct administrative investigations.	Implemented	Already in practice. All Sergeants are required to attend IA training, IP. Policy updated in 2022 for Lieutenant input and recommendation.
12	SBPD should consider reviewing the “incomplete” complaint designation to reflect its current relevance to Department practice.	Implemented	“Incomplete” designation eliminated as of July 1, 2022. This is also a matter of practice with SB2.
13	SBPD should limit its closure of complaint investigations without officer interviews to situations where initially available evidence or analysis leaves no significant factual questions about the possible legitimacy of allegations.	Implemented	Already in practice. Supervisors and/or PSU review of Body Worn Camera (BWC) audio/video footage, reports and any other additional information that is available is included.
14	SBPD should eliminate “Miscellaneous File” as a designation for complaint cases that are clearly lacking in merit based on initial assessment or fact-gathering, and instead utilize one of the standard terms for case disposition that reflects the Department’s conclusions.	Implemented	This is already in practice as of January 1, 2023.
15	SBPD should promote an “information-gathering” paradigm for its administrative investigators in their intake interviews with complainants from the public, so as not to inadvertently leave an impression of bias or dissuasion	Implemented	This is already in practice through the Supervisor level communication with complainant as part of initial review. Training has been provided.

Status of SBPD Audit Recommendations

16	SBPD should provide subject officers with sufficient factual detail to know the nature of the allegations against them in the context of a disciplinary investigation.	Implemented	This was a former practice in Internal Affairs (IA). A more detailed notification letter is in practice now by PSU.
17	SBPD should review its approach to disciplinary consequences to make sure that the goals of the process are not being undermined by undue leniency.	For Further Review	The Department utilizes holistic review in determining discipline. Recent case law changes are being considered in relation to disciplinary consequences on a case-by-case basis.
18	The Department should ensure that planned changes to its use of force review processes require that the agency looks beyond whether the force complied with policy to identify issues concerning tactics, decision-making, planning and coordination, choice of force options, de-escalation efforts, equipment or supervision.	Implemented	Already in process and included in the review by supervisors.
19	The Department should revise its force reporting policy to require officers to fully document all efforts to de-escalate a situation or to detail any reasons why they were unable to do so.	Implemented	De-escalation efforts and the results of, are reported and gathered in the initial reporting of individual incidents within the Call for Service (CFS) report and reviewed by supervisors through the UOF review process.
20	The Department should revise its policy to require (when feasible) that an officer who was not involved in the use of force be designated for transport, booking and further contact with an arrestee after force has been used to take a person into custody.	Implemented	This is past practice and has been reinforced through the line level supervisor.
21	The Department should revise its policy to require an uninvolved sergeant or other supervisor to investigate and review incidents where a sergeant either uses or directs the use of force.	Implemented	This is past practice and has been reinforced through the line level supervisor.

Status of SBPD Audit Recommendations

22	The Department should revise its use of force policy to state that the pointing of a firearm at an individual is a reportable use of force.	For Further Review	The Department is currently exploring nationally accepted practices in tracking the pointing of firearms outside of the Use of Force reporting system.
23	The Department should revise its policy on the use of canines to ensure that deployments leading to a bite are expressly considered a use of force subject to the same level of review and scrutiny as other uses of force.	Implemented	The K9 UOF investigation process has been revised.
24	The Department should revise its policy on the use of Tasers to prohibit its use in drive stun mode, except when needed as a supplement to complete the circuit.	For Further Review	Department will evaluate recommendation and update policy and training.
25	The Department should continue to ensure that all its officers have received the 8-hour Crisis Intervention Team training, should prioritize attendance at the longer course in this important topic, and should regularly incorporate aspects of CIT training into its in-service training curricula.	In Process	100% of officers have attended (CIT) Crisis Intervention Training. The Department to include ongoing and regular CIT training within its in-service training curricula as recommended by State POST standards.
26	The Department should consider using the interim period between when recruits are hired and their academy training begins to assign recruits to work with community-based programs that provide social services to diverse neighborhoods.	Declined	Currently hired to work within the Department for both law enforcement orientation and preparation to attend the police academy.
27	The Department should update its recruitment materials to reflect current workforce dynamics and modern realities of policing by focusing more on the service aspects of a law enforcement career.	In Process	The updating of recruiting material is currently in process.
28	The Department and the City should continue to seek and embrace creative ways to meet the work-life balance demands of both current and potential employees, such as facilitating a job share option.	In Process	In process and job share/temporary part-time positions are already considered.

Status of SBPD Audit Recommendations

29	The Department should seek community involvement in reviewing current recruiting strategies.	In Process	Improvement and development of additional recruiting strategies are ongoing and utilizing best practice within industry and State recommendations. It is one of the Department's CORE goals.
30	The Department should seek community involvement in reviewing current desired criteria for police officer candidates.	Implemented	The Department follows the strict criteria for police officer candidates as set by California POST standards (State standards). The community has involvement within the interview process of all candidates.
31	The Department should continue to involve community representatives on panels conducting interviews of prospective recruits.	Implemented	In practice since 2019.

*City of Santa Barbara*

Audit of Santa Barbara Police  
Department Policies, Procedures, and  
Practices

March 2023

OIR  
GROUP

Michael Gennaco  
Stephen Connolly  
Julie Ruhlin



323-821-0586  
7142 Trask Avenue | Playa del Rey, CA 90293  
[OIRGroup.com](http://OIRGroup.com)



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# Executive Summary

This audit of the Santa Barbara Police Department (SBPD) was initiated last summer by Department leadership in conjunction with the City Administrator's Office. Instead of being a response to a controversial incident or an internal crisis of some kind, it was instead a proactive endeavor to gain outside perspective on key elements of the agency's operations, at a time of dynamic change for national law enforcement.

The audit was conducted by OIR Group, an independent team of police practices experts with more than twenty years of experience in oversight. At the City's request, it focused on specific areas related to internal review systems and organizational dynamics. Since our initial engagement, the Department has welcomed a new Chief, whose initial efforts to implement change seem to align with our assessment and resulting recommendations in positive ways.

What we found is that the agency has a number of strengths. It is justifiably proud of its efforts to preserve and enhance public safety in Santa Barbara. It appears to enjoy a wide reservoir of community satisfaction, and it shows a commitment to engaging with the public in progressive, constructive ways.

To the extent that Department members shared concerns or challenges with us, the themes were consistent. Staffing shortfalls have strained operations and morale – as compounded by difficulties in recruiting and retention. Training opportunities and leadership development have not been prioritized in recent years. And, while mechanisms for accountability exist and seem effective in “bottom line” ways, we noted significant room for strengthening the rigor and broader value of these processes.

Accordingly, the Report that follows features 31 recommendations that are intended to be responsive to these issues. Some are meant to reinforce and build upon positive initiatives we observed or learned about, especially with regard to community engagement. Others include enhancing both the capability and responsibility of SBPD's leadership team, improving internal communication and supports, and making protocols more effective for investigating misconduct allegations and reviewing uses of force. We consider all to be attainable within the context of resources and capabilities SBPD already possesses.

# Introduction

As with many jurisdictions, the Santa Barbara Police Department has experienced significant change in the two and a half years since George Floyd's shocking death galvanized a national movement. A series of new state laws has shifted the law enforcement landscape in notable ways – including heightened transparency, increased restrictions on the use of force, and greater accountability to the public regarding police operations. The Department recently welcomed a new Chief – its third since the summer of 2020 – who comes from outside the agency and accordingly brings a fresh perspective. And the efforts of residents and public officials to strengthen independent oversight of SBPD have culminated in recent structural enhancements to the City's Fire and Police Commission. That group, with five newly appointed members, will begin its work in early 2023.

In short, SBPD finds itself in the midst of a transitional period for national, state, and local law enforcement. And it is to the organization's credit that it is treating the moment as an opportunity -- not a reason to "hunker down" or react defensively, but instead to reconsider its systems and approaches with an eye toward embracing contemporary best practices and strengthening policies and internal procedures.

This audit is a function of a commitment toward beneficial reform that is shared by SBPD and City government. Unlike in other jurisdictions, where a controversial incident or clear strains in police-community relations become the impetus for an outside assessment, this project was generated internally and pro-actively at the encouragement of the recently departed Interim Chief and with the support of the City Administrator's Office.

The Interim Chief, a respected and experienced police leader who served prominently in several different agencies, spent approximately 18 months in his role with SBPD. His impressions of the Department and its

personnel were very favorable across several important categories. But he also recognized potential growth areas for the agency, and believed that an independent assessment of certain operational features could help better align the Department with best practices in an evolving profession. The scope of work was produced in conjunction with the City Administrator's Office, and the audit was authorized in the late summer of 2022.

The work was performed by OIR Group<sup>1</sup>, a team of police practices experts based in the Los Angeles area. It covered the following topic areas, per the City's request:

- The Police Department's complaint process
- The need for Executive Development and Leadership training
- Employee retention and recruiting
- Use of force training and review
- General policy compliance.

In learning more about the Department for this audit, some common themes emerged across the different sources of available information. The agency's biggest current challenge is staffing-related: for various reasons, SBPD is operating with a number of vacancies relative to its budgeted positions. The implications of this deficit are wide-ranging.

While service to the community remains at effective levels with regard to basic patrol functions, accomplishing that has come at the expense of specialized units and the Detective Bureau, which is presently making do at two-thirds of its authorized capacity. The shift in resources has been appropriate to the Department's circumstances: prioritization of patrol is fundamental to law enforcement. But these additional assignments help expand the skill set and maintain the motivation of law enforcement personnel, and reduced opportunities become discouraging. Meanwhile,

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<sup>1</sup> OIR Group has been engaged in the independent oversight of law enforcement since 2001. Led by Michael Gennaco, a former federal prosecutor and nationally recognized leader in the field of police oversight, OIR Group has worked in a variety of jurisdictions throughout California and in several other states. It specializes in the outside monitoring of police internal review systems, with an eye toward both accountability and potential reform. Examples of its many public reports are available at [www.oirgroup.com](http://www.oirgroup.com).

mandatory overtime shifts have had a negative effect on officer morale. And each of these realities makes recruiting and retention that much more difficult – thereby compounding the problem.

Budgeting and staffing concerns (some of which extend back to the COVID-driven financial difficulties that many jurisdictions encountered) have also had an impact on training. Keeping up with state minimal requirements (as SBPD has managed to do) has proven to be demanding in and of itself – which means that additional chances for individual officers to enhance their knowledge base or pursue professional interests have been restricted. And the pandemic itself limited the opportunity for officers to engage in hands-on training such as defensive tactics as a result of social distancing mandates.

This phenomenon – in combination with the City’s relative isolation and a culture that has not historically emphasized executive development – has also impeded the growth and “continuous improvement” of the agency’s managers. Fortunately, though, the level of self-awareness in this regard appears to be high. For several months now, there has been a concerted effort to promote attendance at conferences and classes, and thereby encourage supervisors to identify and pursue their own abilities to contribute to the Department.

With regard to internal accountability and review, we found areas in which SBPD’s approach could be strengthened. This was particularly true in relation to the use of force review process.

The Department’s force incidents are limited in number, and in the cases that we reviewed officers were restrained and professional when physical force was required. And with regard to the use of deadly force, SBPD has had very few officer-involved shootings in recent years, with the last one occurring in the spring of 2019. Still, we have long advocated that law enforcement agencies take a “holistic” approach to the supervisory review of such episodes. This entails going beyond the bottom-line question of whether the force was legally justified and consistent with agency policy, to an exploration of tactics, decision-making, communication, equipment, supervision, training, and other performance factors that merit follow-up of some kind.

We found that the Department has the *capability* to offer more thorough assessments on a routine basis, but that existing structures do not require or promote this happening in a formalized, consistent way. We offer some recommendations to address this gap.

As for the complaint process and investigations into alleged officer misconduct, SBPD has an appropriate commitment to accountability in this arena. If there were shortcomings in some of the actual cases we reviewed, these seemed to be more a function of inexperience and technical mistakes than malice or unwillingness to confront problematic behavior. The larger issues seem to be more internal and cultural in nature – that the discipline process has not always been seen as a constructive element of effective operation, but instead as a “siloeed,” punitive, and poorly communicated aspect of Department functions. Again, as with other issues we identified, the organization’s current leadership recognizes this as a reality and that shifts in approach are warranted.

We met several individual members of SBPD who impressed us with their energy and commitment to the City, and we learned about two programs that, in our experience, are distinctive to the Department and reflect well on the agency’s overall engagement with Santa Barbara’s residents. One is the program by which officers newly graduated from the police academy and beginning their formal field training regimen with SBPD spend their first week “on the job” getting to know local service organizations and meeting different community representatives in an effort to become more integrated into the public they are about to begin serving. The other is the “Voices” initiative, started by a SBPD lieutenant, which seeks to bridge some of the common gaps between law enforcement and marginalized individuals or groups within the City. Its essence is the development of relationships and mutual understanding in a structured context that sets aside power dynamics in favor of honest, productive dialogue.

We describe both of these concepts in more detail below; they would be well-worth preserving in Santa Barbara and emulating elsewhere. And our understanding is that other SBPD initiatives are similarly devoted to making a positive impact, such as “coffee with a cop,” its involvement with the “Police Activities League,” and other outreach efforts. This emphasis on community trust and connection reflects well on the Department.

2020's nation-wide reconsideration of law enforcement took many forms – including anger, protest, challenge, reckoning, and a significant amount of substantive change. For SBPD, it meant encountering local scrutiny – and some criticism – in a way that officers found hard to reconcile with their own experience of enforcement in the City and their own efforts to serve in fair, equitable ways. But at this snapshot in time, the Department is adapting to new laws and expectations, and is well-positioned to move forward in a new paradigm of accountability.

We were pleased to have the chance to meet with the new Chief during our two-day in-person visit to the Department. She is experienced at the executive level and brings a fresh perspective and her own familiarity with best practices. She has reached out to us in a collaborative way to share her vision for some updated processes and seek our input on various plans for improvement. Ideally, this Report and its attendant recommendations will be useful as a vehicle for assisting in the forward progress within the Santa Barbara Police Department that she has already begun.

# Methodology

The findings and recommendations that follow came from two primary sources. The first was a request for documents and related materials produced by the Department in the subject areas within the scope of work.

This included the following:

- Case files for recently completed investigations into potential officer misconduct. We looked at a total of 12 separate matters across two categories: complaints that came from outside the Department, and internally generated reviews of potential policy violations by SBPD personnel;
- Reports, evaluations, video recordings, and other relevant information about the Department's use of force review process;
- Information related to Department policy and training in relation to the use of force;
- Reports or other materials relating to the Department's "debrief" process for recent critical incidents involving its personnel;
- Materials relating to the recruiting process, with an emphasis on specific appeals to a diverse pool of applicants;
- Six performance evaluations from the last calendar year;
- Materials related to the mechanics of the Department's promotional and special assignment process; and
- Materials related to the development of supervisors with regard to their managerial roles.

We also took the opportunity to review SBPD's policy manual, with a special emphasis on the areas highlighted in the scope of work.

After having the opportunity to review those materials as produced by Department representatives, we made a two-day site visit in early November. Apart from our meeting with the new Chief, we sat with her predecessor to discuss his impressions and perspective from 18 months



of leading the agency. We also interviewed the current executive team to discuss their overall experiences in the agency and their specific responsibilities within their respective commands. We also met with representatives of the officers' labor association, the City Administrator and Senior Assistant to the City Administrator, and the Assistant City Attorney. Finally, two of us went out separately on ride-alongs during part of an evening patrol shift.

The last phase of the review was follow-up requests for information or materials based on things we had learned during our site visit; we also arranged to have phone or virtual interviews with key members of the agency whom we hadn't been able to meet during our time in Santa Barbara.

We take this opportunity to extend our appreciation to SBPD for its complete cooperation during this process. Along with ensuring that we had all of the materials that we asked for, we consistently found the agency's personnel to be candid, insightful, and receptive to new ideas. Their constructive approach to our project certainly facilitated it, and we hope the results will be beneficial to the agency as it moves forward.

# Department Leadership and Executive Development

In the scope of work established by the City for this audit project, two of the most substantive topics – the Department’s use of physical force and its responses to complaints about officer conduct – were “public facing” in the sense of being directly related to enforcement activity. They are also common focal points for community concern and independent oversight. Accordingly, later sections of this Report cover both of these areas at length and offer several recommendations in each category.

But others of the designated topics were directed more at internal dynamics within the agency. In meeting with Department personnel during our two-day site visit, we were struck by the gap between the confidence SBPD members showed in the agency’s performance in the field and the doubts or frustrations they expressed about different aspects of work life within the organization. Some of these issues relate to staffing and the “ripple effects” of the current shortages in available personnel. Others have to do with the perceived advantages and disadvantages of recent leadership styles. But, in different forms and for different reasons, a common sentiment recurred in our various conversations: SBPD is very effective at serving the public, and less effective at maintaining a collegial and constructive internal environment for its employees. Here, we discuss some of the specific dynamics that we heard about and observed, with an eye toward potential avenues of improvement.

The senior ranks of any police agency obviously shape the leadership structure, priorities, and morale of the organization. Our understanding is that SBPD has experienced a range of styles at the executive level in the last several years, and the different Chiefs’ respective “stamps” on the Department are reflected in current paradigms.

Veteran members of the Department members uniformly recalled a more traditional “top-down” model for several years in which control and decision-making were closely maintained at the very highest levels of the

agency. Members advised that one by-product of this was that lieutenants were not encouraged in the direction of independent action or true responsibility for their respective commands – and were not mentored in how to develop those skills.

Leadership changes then brought changes in emphasis. Current members shared the sense that officer wellness was promoted in positive new ways, and that the leadership laid groundwork for community outreach that preceded the “post-Floyd” wave and better positioned the agency to adjust to it. Still, lieutenant-level development and empowerment were not perceived strengths, and innovations were not always accompanied by efforts at explaining and securing buy-in throughout the rank and file and management team.

The current Chief advised us that she intends to shape her own leadership style but first wanted to survey the Department as an active listener. Her approach to individually meet with every member of the agency in a structured “interview” setting is an excellent start. And it is directly responsive to the perception that the “Third-Floor”<sup>2</sup> has been too remote at times in relation to the agency as a whole, with communication, accountability for decisions, and useful feedback suffering as a result. We encourage her inclination to bring a fresh perspective to managerial dynamics that are well-established but not ideal.

A second point of potential emphasis is the cultivation of enhanced outside training for all members, and for supervisors in particular. With some justification, the Department perceives itself as something of a regional law enforcement “island,” and its members do not have a plethora of readily available options and learning opportunities. Nor have all prior leaders made a concerted effort to compensate for this dynamic as a cultural priority.

A Department executive shared with us his own recognition that years had passed without his attending a conference, class, or development opportunity beyond those hours mandated by state standards. He has rectified that situation in his own case, and has made it a goal in his new leadership role to push lieutenant-level personnel toward the selection of

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<sup>2</sup> This is agency shorthand derived from the literal building location of the office space that is dedicated to most of SBPD’s lieutenants and above.

an annual vehicle for professional development. This should become an established, standardized priority in the near future.

**RECOMMENDATION 1:** SBPD should establish mechanisms to ensure that all its personnel, and its supervisors and managers in particular, engage in regular forms of professional development beyond mandatory state training requirements, with an eye toward increasing their own skill and expanding the agency's capabilities at the leadership level.

The status of women officers in the Department was another topic that generated much discussion in our visits with SBPD personnel – and concerns were expressed across gender lines. It is true that the organization can point to impressive aspects of its demography in this category: the Department's total number of sworn female officers is uniquely high, and two of the top three executives in the organization are women. But, as we discuss in another section below, retention has been an issue and the sergeant and lieutenant ranks have limited female representation.

Beyond these statistical starting points for assessment, we also heard input about the standing of women in the agency, and some of the perceived problems that go "beyond the numbers." One very divisive misconduct investigation that we evaluated involved allegations that a male supervisor had discriminated against a female subordinate. The impressions of witness officers in the case were not consistent across the board, but the evidence that emerged was enough to suggest that consideration of underlying issues beyond the disciplinary outcome was amply warranted.

We also heard references to a dearth of mentoring and development of female officers – interventions that might facilitate their participation in new roles. More than one person with whom we spoke mentioned that no woman had ever been chosen for the SWAT team, for example. If the dynamic is not as overt as an "old boys' network," neither does it appear to be one where efforts have been focused on overcoming stagnated elements of past history.

We did hear about one small example that we hope will be a precursor of further developments to come. We were told that selections for special

assignment positions are being done in a slightly new way – specifically, by adding new voices and decision-makers to a process that was traditionally was dominated by a small panel of sergeants who conducted oral interviews. As one executive put it, the goal is less about checking a specific “box” than about creating dynamics that will introduce new perspectives and insights to things like promotion and selection. Doing so will ideally redound to the agency’s benefit in multiple ways.

**RECOMMENDATION 2:** SBPD should pursue strategies to help encourage the involvement of female officers across a range of roles, and to ensure that its selection processes for promotions and special assignments incorporate a range of perspectives.

As for the Department’s policies in the realm of promotions and special assignment selection, guidance provided by the agency meets industry standards. Moreover, and to the Department’s credit, all the processes provide room for involvement in the selection process by members of the Santa Barbara community, who participate as panelists in interview boards that are held for applicants. The fact that SBPD has a legacy of recognizing the value of community input into these critical decisions is an attribute that not all police agencies can claim. And we spoke with one person who had recently participated in the selection process for sergeant; he described his time with the community interviewers as a highlight of his experience.

The commitment to community engagement is also reflected in two concepts that we encountered for the first time through SBPD. A current lieutenant whose deep, longstanding ties to Santa Barbara began with his own upbringing was responsible for developing a program that provides newly graduated recruits with a week’s worth of immersion in the neighborhoods, services, and personalities of the City. These experiences, which he coordinates through his ties with local organizations and businesses, constitute the curriculum for the new officers’ first official week of training. It is time well spent in our view, and SBPD deserves credit for allowing the necessary allocation of resources to facilitate it.

As for the SBPD “Voices” program, it was developed in recent years by another current lieutenant at the agency, based on part on his own

academic research into “intergroup communication” between the police and the frequent subjects of their enforcement activity. A mutual sense of alienation and distrust can compound existing tensions and perpetuate barriers. In response, “Voices” seeks to identify groups that have been traditionally marginalized in Santa Barbara (and elsewhere) and to cultivate more effective dialogue and understanding – on the parts of the community members *and* the officers. Accomplishing this can be painstaking. It requires effort to identify group leaders, establish relationships, and provide the structural context for positive engagements in a neutral setting. To the extent it has been successful in Santa Barbara, it is a tribute to the officer who has championed the project and the colleagues who have supported it.

As we mentioned above, we were impressed with both these innovations, and hope the agency will continue to support them going forward.

**RECOMMENDATION 3:** SBPD should continue to provide organizational support for both the “community-based field training” concept and initiatives that promote relationship-building with groups that are often marginalized in the justice system.

Finally, we share observations and recommendations with regard to the process of annual employee evaluation as it is executed within SBPD. In our experience, this mandatory exercise is regarded throughout law enforcement as more of a chore to be endured than a meaningful forum for individual or agency improvement. And stories are legion of officers whose annual “evals” are glowing in spite of difficulties that may eventually come to light in the course of a significant performance failure.

For this audit, we were provided with SBPD’s employee evaluation policy and sample evaluations for officers, supervisors, and civilian employees. The evaluation policy is taken from LEXIPOL and provides basis guidance on the process. SBPD’s Evaluation Form begins with a grid of qualities that the reviewer is expected to grade as exceeding standards, meeting standards, or needs improvement. The qualities range from “physical appearance” to “crisis intervention and conflict resolution.

The Form also requires a Performance Evaluation Narrative where the reviewer provides comments particular to the employee. As opposed to the “check box” grid, we found the evaluation narratives to provide the

most helpful insight into the employee's performance. We also found the "goals" section – in which the employee is asked to list his or her own specific near-term professional aspirations – to be a useful idea that was carried out with varying degrees of effectiveness in the samples we reviewed.<sup>3</sup>

Again, while the form includes a broad array of qualities to assess an employee's performance, the Department could benefit from community review and input into the current grid. For example, while there has been increased emphasis in state law to ensure that officers are trained and practice principles of de-escalation, that quality is not specified in the grid. Moreover, there is no guidance in the narrative about what qualities should be discussed in that part of the form, leaving that decision to the discretion of the reviewer.

Finally, we were advised that there were times when a reviewer was asked to complete a performance evaluation for an employee which the reviewer had rarely supervised. Because of shift changes and supervisory movement, a reviewer might have little familiarity with the employee and must be reliant on prior supervisors to assist in completing the evaluation. We were told that the quality of assistance from prior supervisors varies from extremely helpful to not much help at all. Command staff responsible for maintaining a meaningful evaluation system should ensure that reviewers receive helpful input from prior supervisors in order to prepare a comprehensive evaluation.

**RECOMMENDATION 4:** SBPD should seek community involvement in reviewing the current grid qualities used to evaluate employee performance and seek input in refining those qualities to match community expectations more closely.

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<sup>3</sup> Commendably for example, one evaluation featured not only a detailed set of articulated goals, but also documented follow-up regarding the successful attainment of a previously listed goal. This kind of attention helps make the process a more fruitful one for both the reviewer and subject.

**RECOMMENDATION 5:** SBPD should provide more guidance to reviewers to indicate which qualities should be expressly discussed in the narrative section of employee evaluations.

**RECOMMENDATION 6:** SBPD should ensure that a prior supervisor contributes meaningfully to any evaluation of an employee who worked for the supervisor during the evaluation period.



# Complaints and Allegations of Misconduct

A law enforcement agency's ability to investigate its own personnel with objectivity and rigor, and to address violations of policy or other misconduct with appropriate remedial measures, is critical to its effectiveness. This is true in a couple of fundamental ways.

One is a matter of public legitimacy: a community's acceptance of, and acquiescence to, police authority is contingent on the trust that it is exercised fairly and in keeping with legal and administrative limits. And the second is internal: a department's own discipline process is the means by which agency leadership maintains performance standards, reinforces priorities, and addresses violations of policy – largely through remedial action, but also through termination of employment for serious breaches. Ideally, administrative investigations into misconduct also provide a window into operational needs of various kinds. These could include, for example, adjustments to policy or training, and non-disciplinary forms of intervention for involved officers.

The importance, then, is clear. And this has never been more true than amidst the raised expectations that have developed in recent years. In this section, we review SBPD's approach to the complaint/discipline process in terms of mechanics, culture, and the insights we were able to glean from our evaluation of actual recent investigations.

## Addressing Public Complaints: Policy and Process

California law requires agencies to provide the public a written description of their procedure for investigating misconduct complaints. To SBPD's credit, its website provides an on-line complaint form accompanied by a

message from SBPD's Chief of Police encouraging feedback from community members. The website explains that complaint forms can be submitted electronically; upon receipt of the complaint, an investigation will be initiated, and that the complainant will be notified in writing when the investigation is completed. The complaint form can be submitted anonymously. The Chief's message and on-line complaint form are translated into Spanish. In addition to on-line accessibility, complaint forms are also available at the Police Department and City Hall.

The Department has a detailed personnel complaint policy that is available on-line as part of the Department's policy manual. It includes a policy statement that the Department takes seriously complaints about its services and the conduct of its officers. It also states that community members can report misconduct without fear of reprisal or retaliation.

Supervisors have the primary responsibility for receiving complaints and determining whether they can be handled immediately or need further investigation. This triage process is obviously significant – it requires the relevant supervisor to make an initial determination about both the seriousness and nature of the complainant's concern. (For example, some issues that members of the public bring to the Department's attention are more akin to "service complaints" about agency practices than they are allegations of misconduct against individual officers.)

Importantly, the intake process is documented and tracked, which has two benefits: it gives accountability to the intake supervisor's decision-making, and allows for even low-level concerns to be monitored in case they become trends or warrant non-disciplinary interventions such as counseling or training. The training manual that is provided for new sergeants includes a reference to the Department's "Guardian Tracker" software that facilitates this process. Supervisors are urged to consider pro-active responses to "reoccurring issues," and references to the "benefits of early intervention" are also cited.

Minor performance shortcomings such as mild discourtesy or demeanor concerns – which may prompt complaints but do not rise to the level of formal discipline – will ideally provide a law enforcement agency with opportunities to make constructive modifications before larger problems arise. Taking these steps is a way of maximizing the complaint process as a useful form of feedback. And documenting them is a way of ensuring that follow-through occurs and that future concerns can be placed in

context instead of being forgotten. We are unsure about the extent to which SBPD's sergeants are maximizing the potential of this system, but hope the Department's regular practice is matching the conceptual framework that clearly exists.

**RECOMMENDATION 7:** SBPD leadership should review its mechanism for tracking the dispositions of lower-level performance complaints and non-disciplinary interventions, to ensure that handling supervisors are following through in providing appropriate documentation and tailored interventions as needed.

For matters that require a formal inquiry, the SBPD policy calls for initial notifications and periodic updates on the status of the investigation. According to the current lieutenant who oversees the complaint process, the Department recognizes that these obligations are a starting point of effective communication – and that there is value in a commitment to ensuring that individuals who register a complaint have a clear understanding of the different steps as they unfold. This includes information about a case's disposition within 30 days of its completion.

State law requires agencies to send notification letters to complainants when cases are resolved, and to inform them about outcomes – especially whether any allegations were sustained, refuted, or not definitively supported by available evidence. Based on the cases examples we looked at, SBPD is meeting its obligations here. However, we note here that not all the investigation files we were given included a copy of any notification letter that was sent. This should be a standard part of every case package. Moreover, there is room for the Department to enhance this correspondence with more specific detail and explanation than what we saw.

In our experience, many California departments have been reticent in this arena, deploying a minimalist approach and a reliance on boilerplate language. There are different reasons for this, including simple efficiency, and it is true that officers' rights to privacy limit some of the details that can legally be shared (including any specific disciplinary consequences that may arise from a finding that policy was violated). But the inclusion of personalized detail that *can* be provided, such as a recapping of the complainant's concerns and a description of the investigative steps and

evidence that led to the outcome, can help establish that the complaint was understood and taken seriously.

Our understanding is that SBPD is committed to reviewing this aspect of the procedure – and to going beyond the letter of the law in its written correspondence and potential follow-up conversations with interested complainants. We are supportive of this inclination.

**RECOMMENDATION 8:** SBPD should work to enhance its post-investigation communications with complainants, in order to provide additional information about the process and a mechanism for further dialogue or feedback where appropriate.

**RECOMMENDATION 9:** SBPD should include any correspondence with complainants as part of the formal investigation file of every complaint case.

The importance of good communication is also true *internally* – for officers who are subjects of the investigation process. The agency should take steps to ensure that the mechanics of investigations are clear to all participants and that status updates and timeline approximations are shared with subjects during the pendency of open cases.

We were told that this kind of transparency has not always been a priority for SBPD. Whether the reasons for this have been strategic and intentional,<sup>4</sup> or simply the inadvertent byproducts of a siloed and confidential process, we consider rectifying this paradigm to be a worthy goal for the agency to continue pursuing.

Per policy, investigators or supervisors assigned to investigate complaints are required to complete the investigation within one year, to fit within the state law’s eligibility period for administering any discipline that may be necessary.<sup>5</sup> Again, though, these boundaries are best understood as

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<sup>4</sup> We heard from more than one SBPD source that prior leadership teams believed that the discipline process should be unpleasant for those who fall under its jurisdiction – perhaps as a collateral motivation to avoid committing a policy violation.

<sup>5</sup> This “statute of limitations” is meant to protect officers from having a pending investigation hanging over their head for years and not having to defend themselves

starting points, while an effective discipline process values timeliness for reasons that extend beyond satisfaction of this deadline. These include public confidence in the process, consideration of officers who are facing the uncertainty and worry of pending cases, and the prompt redress of any problems that the investigation may reveal.

In the sampling of cases we reviewed, SBPD concluded its work well before the one-year statutory period. Instead, the average seemed to be approximately five months. While this is a solid “turnaround” rate relative to other agencies we have monitored, and while we recognize that a variety of external factors can extend the duration of a given case, the correlation between complexity of allegations and length of completion was not always obvious to us in the small number of matters we assessed.<sup>6</sup> We encourage the Department to consider mechanisms for ensuring that the timely conclusion of cases is prioritized, such as setting internal deadlines for completion of administrative investigations and requiring supervisory approval for extensions.

Upon completion of the formal investigation, policy dictates that designated command staff are required to review the investigative report and make recommendations about findings and discipline. Historically, this was done at the highest rank levels of the agency. Now, lieutenants from the respective officers’ units of assignment have been incorporated into the assessment and decision-making – a shift that we heartily endorse. It is consistent with our notion of effective discipline as an organizational priority for which responsibility should be shared within the managerial team, and not the exclusive and secretive purview of top executives.

We have heard about other ways in which the movement toward “re-thinking” the discipline process is consistent with this notion. Specifically, the goal of training each sergeant in the agency about the procedures involved in conducting a complaint investigation, and assigning some of

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against charges that are chronologically distant to the point where memory or other evidence is degraded.

<sup>6</sup> Interestingly, one of the more complicated investigation we looked at was an internal matter alleging gender discrimination, retaliation, and other managerial misconduct on the part of a supervisor. It was completed in a relatively prompt three months – but was handled by an outside investigator.

the more straightforward allegations to a wider range of supervisors, is one we hope the Department will prioritize under its new leadership.

**RECOMMENDATION 10:** SBPD should develop internal timelines for completion of investigations (90-120 days) and require a justification and supervisory approval for any extensions.

**RECOMMENDATION 11:** SBPD should continue its efforts toward expanding managerial “ownership” of the discipline process by involving lieutenants in decision-making and equipping all sergeants with the ability to conduct administrative investigations.

As for SBPD’s complaint policy itself, we suggest the following refinements to what is a generally effective set of guidelines.

The Department should reconsider the category of “incomplete” complaints. The Department’s policy currently classifies complaints as informal, formal, and incomplete. (See 1009.3.1 Complaint Classifications). Incomplete complaints are defined as matters where the complaining party either refuses to cooperate or becomes unavailable. At the discretion of the assigned investigator, such matters may be further investigated, depending on the seriousness of the complaint and information.

This definition implies that a complaint investigation requires a complainant’s cooperation or availability. There are numerous reasons why a complainant may become unavailable or uncooperative. Nonetheless, the duty to investigate misconduct should not be contingent upon the availability or cooperation of the complainant.<sup>7</sup> Moreover, the Department’s approach (and industry standard) is to investigate anonymous complaints which by their very nature requires neither the complainant’s cooperation nor availability. We recommend that the

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<sup>7</sup> By the same token, an individual complainant’s insistence or persistence should not force the Department to pursue a clearly unsupported complaint past the point of reaching that determination.

Department either reconsider whether the category of incomplete complaint is necessary or redefine it.

**RECOMMENDATION 12:** SBPD should consider reviewing the “incomplete” complaint designation to reflect its current relevance to Department practice.

And lastly, the Department should review the complaint form’s admonishment once the California Supreme Court has ruled upon this issue in 2023. The Department’s complaint form contains an admonishment derived from California Penal Code §148.6:

*It is against the law to make a complaint that you know to be false. If you make a complaint against an employee knowing that it is false, you may be prosecuted on a misdemeanor charge.*

We have generally advised agencies not to include such a warning because of a 2005 Ninth Circuit federal court opinion that concluded that the language impermissibly restricted First Amendment speech. In May 2022, a California Court of Appeals ruled that the admonition is both valid and enforceable, despite the earlier Ninth Circuit precedent. This case is currently pending review before the California Supreme Court. We suggest that the Department review the legality of this admonishment once the California Supreme Court has ruled upon this issue.

## Addressing Public Complaints: Review of Recent Cases

One noteworthy feature of SBPD’s experience of public complaints is that the volume of them is generally low. In recent years, the annual total has been in the 10 to 20 range – and many of these are generated not by sworn patrol officers but by civilian personnel from Animal Control and Parking Enforcement. (These two functions, which are overseen by SBPD, are common sources of public unhappiness in the agencies we have worked around.)

In our experience, low numbers in the complaint arena are not *inherently* reflective of overall public satisfaction; they could, for example be a function of inaccessibility/unawareness or, worse, a lack of confidence in

the potential of the process as a fair, objective means of reviewing problematic police conduct. However, in Santa Barbara, mechanisms for intake of complaints seem, for the most part, to be varied, inclusive and appropriate. And there are occasional spikes in the totals from year to year – as in 2020. Overall, the community has been largely supportive of the Department’s work, and our review of actual SBPD operations in the field reflected not only a high degree of competence by the Department’s personnel but also a regard for service and respectful interactions with the public.<sup>8</sup>

The public complaints we looked at included a range of allegations, which we summarize here for two reasons: to give the public a sense of the types of concerns that are brought to the Department’s attention, and as illustrations upon which we base our broader recommendations to SBPD. Case allegations included the following:

- A woman questioned the legitimacy of officers’ behavior in the context of their serving a search warrant at the home of a relative.
- Parents of teenagers questioned the tone and language of a supervisor who responded to a physical dispute between an adult and their skateboarding sons.
- A woman alleged that an officer had misappropriated the badly damaged cell phone that she had found and turned into the police for its evidentiary value.
- A man who was in a confrontation with store employees over a mask-wearing requirement asserted that responding officers had mishandled his claims against the store.
- A salon owner alleged that an officer had done an inadequate job of investigating and addressing a female customer’s alleged incapacity to safely drive away from his location.

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<sup>8</sup> As we say elsewhere, it was much more common in our discussions with Department members to hear criticism of *internal* structures and dynamics than expressions of concern about the quality or effectiveness of policing in the field. This was true at all different rank levels.



- A man who had experienced a medical emergency alleged that a responding officer had mishandled property belonging to him.
- A man questioned the validity of a speeding ticket he had received.

For the most part, the Department’s investigatory work was suitable to the allegations, and the factual conclusions were justified by the available evidence. (Two of the allegations were sustained, and the involved officers received a disciplinary consequence.) One exception was the search warrant case. While we do not conclude that misconduct occurred, there seemed to be room for more careful scrutiny of the complainant’s different and well-articulated concerns. Specifically, we would like to have seen formal interviews of one or more of the participants in the investigatory search.

We recognize that some cases lend themselves to expedited resolution, and that initially available evidence is often sufficient to establish what occurred in the relevant encounter. This is especially true in the era of body-worn camera recordings, which became standard for SBPD officers in December of 2021 (*after* the incident that we had further questions about). And it was true in at least a few of the above cases we evaluated. But, in terms of understanding officer state of mind and decision-making, there is sometimes no effective substitute for a full interview. If the subject officer is able to satisfyingly explain what occurred and the reasons for it – all the better. But speculation or “the benefit of the doubt” should not be utilized as shortcuts for full-fledged fact gathering and analysis when there are questions that other evidence does not answer.

**RECOMMENDATION 13:** SBPD should limit its closure of complaint investigations without officer interviews to situations where initially available evidence or analysis leaves no significant factual questions about the possible legitimacy of allegations.

We also noted a few cases in which complaint allegations that were refuted or otherwise not substantiated were given a disposition of “M-File” (for “Miscellaneous”). They seemed to vary in the amount of investigation and review that preceded the closing of the case, but they shared the common denominators of “no officer

misconduct” and the absence of any formal interview of named personnel (as not needed in order to resolve the allegations).

But we have not seen other agencies utilize the “M-File” designation as a category of disposition. In the interest of clarity and consistency, we suggest that the Department utilize the standard outcomes (“Unfounded,” “Sustained,” “Not Sustained” and “Exonerated”) to reflect its findings in a given matter. Per the current lieutenant who is supervising the Professional Standards Unit, that is the agency’s intention going forward.

**RECOMMENDATION 14:** SBPD should eliminate “Miscellaneous File” as a designation for complaint cases that are clearly lacking in merit based on initial assessment or fact-gathering, and instead utilize one of the standard terms for case disposition that reflects the Department’s conclusions.

Another phenomenon that we noted in a few cases (and among different investigators) was an inclination toward offering explanation/justification to complainants in the context of an intake interview. There is a fine line here. On the one hand, the investigators seemed sincere in their desire to clarify and assuage complainant concerns, and common sense suggests that simple dialogue at the outset of the process can be efficient and satisfying to both parties.<sup>9</sup> On the other, though, this approach can easily leave complainants feeling like the agency’s representative is trying to dissuade them, already has his or her mind up about the veracity of the allegation, or is intent on “covering for” colleagues before an investigation even begins.

Best practice is for initial intake interviews to be as objective, neutral and complainant centered as possible. The goal at this

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<sup>9</sup> We had this discussion with a Department member who has experience in this arena. He listened politely to our hesitations but asserted his own sense that it is an approach that has worked well for both him *and* the complainant. We acknowledge the possibility in some cases, and do not dispute his personal experiences or impressions, but still advocate for more investigator reticence as a default setting for this exercise.

stage should be to get a detailed sense of the person’s concerns – and not to “solve” the problem. It is often a bad sign, for example, when the investigator is doing much of the speaking. With that in mind, we encourage SBPD to evaluate its protocols for intake interviews and remind investigators of potential pitfalls.

**RECOMMENDATION 15:** SBPD should promote an “information-gathering” paradigm for its administrative investigators in their intake interviews with complainants from the public, so as not to inadvertently leave an impression of bias or dissuasion.

## Internal Misconduct Investigations: Review of Recent Cases

As is often (though not always) true, and perhaps belying common perception, the discipline cases that we reviewed for this audit that were initiated by the Department itself actually involved more severe allegations of misconduct than the publicly generated complaints discussed above. To illustrate that point, and as a foundation for some of the systemic recommendations we provide below, we offer the following brief descriptions of the individual matters we reviewed:

- An allegation of dishonesty against an officer regarding an on-duty, low-speed traffic collision that she had been involved in.
- An allegation of dishonesty involved several officers in conjunction with alleged improper dissemination of information about a pending promotional process within the agency.
- An allegation that an officer violated the Department’s vehicle pursuit policy.
- An allegation of improper use of City computers during work time.
- An allegation by a civilian employee that co-workers had improperly leaked confidential information about him to the media.

- An allegation of mistreatment by a male supervisor toward a female subordinate.
- An allegation that an officer had misrepresented to a supervisor her lack of familiarity with the Department’s on-duty mask-wearing expectations.
- An allegation of improper efforts by a civilian employee to gain favorable treatment regarding a ticket.

We found the investigations themselves to be effective for the most part: thorough, rigorous, and well-analyzed. Several of them led to sustained charges and significant disciplinary consequences, which speaks to the agency’ willingness to hold its members accountable. At the same time, we had a few different observations about possible improvements to the process going forward.

The first of these relates to the notice letters that SBPD provides to inform officers that they are subjects of a misconduct investigation, and to admonish them about an obligation not to interfere with the confidentiality and integrity of the pending case. Interestingly, though, most of the letters included language that said “specific details of the allegations” would be provided at the time of the employee’s interview and then cited potentially relevant policy sections – but refrained from providing additional information about the particular incident or issues that constituted the gravamen of the case.<sup>10</sup>

As we mention above, several of the Department members we spoke to expressed their reservations about the agency’s treatment of subject officers – and some spoke from personal experience. This minimalist approach to notification is seemingly – and avoidably – an example of this phenomenon. It strikes us as strategic in ways that lend themselves to uncertainty at best and alienation at worst. We are more familiar with a paradigm that provides the subject with enough information to know the specific alleged conduct at issue, and we think it is both more fair and more consistent with a constructive model of discipline. We hope the Department will move away from its more restrictive approach.

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<sup>10</sup> State law requires that officers be informed about the “nature of the investigation”.

**RECOMMENDATION 16:** SBPD should provide subject officers with sufficient factual detail to know the nature of the allegations against them in the context of a disciplinary investigation.

A second reality that emerged from these cases is that at least two of them appeared to be compromised by supervisory interventions outside the investigative process. By occurring outside the protections to which employees are entitled when misconduct is at issue, these exchanges apparently complicated the Department's ability to address possible misconduct in appropriately rigorous ways. As such, they reinforced the importance of a point we make above – namely, that all supervisors become well versed in the proper “rules of engagement” and the rights of officers in the discipline process.

Lastly, we noted a couple of instances in which the disciplinary consequence for sustained misconduct was significantly lighter than was warranted. It is true that, with the exception of termination cases, the purpose of any employee remediation is corrective rather than punitive. However, appropriate proportionality of consequences also helps with maintaining standards and properly shaping incentives for prior and future compliance with policy.

In the case involving the violation of the vehicle pursuit policy, and the one in which a civilian employee was found to have improperly sought an advantage in dealing with her own traffic ticket, the outcomes resulted involved mere “oral reprimands.” This was in spite of the fact that the driving violation was the officer's third in a relatively short period of time, and that the civilian was found to have made court staff uncomfortable in a way that damaged the Department's reputation.

Our goal in urging a more exacting “matrix of consequences” for some violations of policy is not to harm officers, but instead to ensure the credibility and effectiveness of the discipline process itself. Overly lenient outcomes – like overly severe ones – undermine those important elements.

**RECOMMENDATION 17:** SBPD should review its approach to disciplinary consequences to make sure that the goals of the process are not being undermined by undue leniency.

# Use of Force

One key area of our review was to examine incidents in which SBPD members used force, and to use those examples to assess how the Department investigates and evaluates such incidents. While most of the force we reviewed was relatively minor and did not result in serious injuries, any use of force is an exercise of police authority deserving of attention and critical review. Thorough scrutiny of these incidents sends a signal to both the public and to officers that the Department is paying attention to how it wields its authority, and provides an opportunity for the Department to address individual accountability as well as broader issues of performance, training, tactics, equipment, policy, or supervision.

The Department provided us with documentation of all use of force incidents from the last quarter of 2021 through the first quarter of 2022. We reviewed these, then requested the complete file – including all video footage – for a sample of cases, which we selected to be representative of different types of encounters. Our observations and recommendations are based on our review of these files and video recordings.

Overall, the Department does not use force often, and when it does, the type of force used is relatively minor and does not frequently result in injury. A great majority of the force used by SBPD officers is “takedowns” (where officers take resistant subjects to the ground to better control and detain them), with strikes or kicks representing around 13% of the forced used in 2021. SBPD’s 2021 “Year in Summary,” available on the Department’s website, reported force used against 156 arrestees, broken down by type as shown in the following table. This breakdown is consistent with the types of force we saw in our review of incidents from the first part of 2022.

2021 Uses of Force	
Takedowns	90
Strikes/Kicks	21
WRAP	12
Control Hold	11
Taser	9
OC Spray	5
Leg Restraint	4
K-9 Bite	1

One category of force we examine as part of a typical review of a law enforcement agency – the use of deadly force – happens so infrequently in Santa Barbara that it is not part of this assessment. The last officer-involved shooting in the City was in 2019, and there have been just two shootings in the past 10 years.

The overall numbers are not surprising given what we heard from several sources during our meetings in Santa Barbara – that there is a culture that supports restraint and de-escalation of conflict rather than a reliance on physically aggressive policing. In many agencies we have worked with, there is an ingrained sense that the regular use of force is “part of the job” and that regular force incidents are to be expected. In Santa Barbara, at least among the officers and supervisors we spoke with, the view is that using force is more the exception than the rule.

Our observations from the review of body-worn camera footage are generally consistent with this view. Even in those situations where officers eventually used force, we heard officers talking calmly and respectfully to subjects as they attempted to negotiate various challenges. In many cases, we observed officers display an impressive amount of patience in encounters with individuals in mental health crisis.

In each of the cases we reviewed, SBPD found the use of force to be consistent with Department policy. We didn’t disagree with these findings, but we did see room for improvement in the way the Department documents supervisory review of these incidents, with an eye toward identifying areas of potential improvement. Even the most minor or



seemingly inconsequential use of force is an exercise of police authority that deserves some level of *holistic* scrutiny that goes beyond legality or technical compliance with policy. The overwhelming majority of the hundreds of force cases we have reviewed for various agencies over the years met these critical legal and policy standards (as they did in the SBPD cases).

At the same time, though, many of those cases raise one or more issues that would benefit from some sort of managerial feedback. This could be related to communication, supervision, officer tactics, teamwork and coordination, choice of force option, equipment, policy, or some combination of these. The simple dichotomy of “in policy or not” is insufficient, in our view, when it comes to an agency’s review of force incidents. The point is not to undermine officers or strain for ways to criticize them, but to consistently reinforce the Department’s training and values.

We saw potential opportunities for this level of holistic review in some of the cases from our audit – issues that do not necessarily render conduct “out of policy” but which nonetheless warranted further discussion. For example:

- In a case involving the use of a canine to assist in apprehending the subject, the dog bit one of the responding officers instead of the subject, and then later was directed to bite the subject at a time when officers appeared to already have the subject largely under control. Some evaluation of the canine handler’s tactics and training would have been appropriate in this scenario.
- In another case, officers were questioning a subject as part of their investigation into a potential violation of a restraining order. The subject was cooperative and polite, but when officers attempted to detain him, he broke free and fled. Officers caught him after a short foot pursuit, then took him to the ground in order to detain him. The force was minor and resulted in no injuries, but more effective control of the subject initially perhaps could have prevented him from fleeing and obviated the need for the pursuit and takedown. Some discussion of officers’ tactics was warranted.

- In a case involving a homeless individual who had been the subject of a citizen’s arrest for battery at a shop, the man became combative when he realized he was being taken into custody. A pair of officers took him to the ground, and he continued to struggle as they attempted to handcuff him. Seeing the man attempting to dig into his own waistband, and concerned about what he might be reaching for, the officer punched him in the side of the face twice with a closed fist, with the man’s head just above the sidewalk. The officer wrote that he was seeking “to disrupt his thought process through pain compliance.” Though the man did not seem to be significantly injured, and while the blows were controlled, it was a tactic that warranted further consideration in relation to other alternatives, such as the use of palm strikes or strikes to other less vulnerable parts of the body.
- In a case involving officers’ attempts to subdue a combative subject in the midst of an apparent behavioral health crisis, one officer deployed a Taser in drive stun mode three times as other officers attempted to handcuff the subject. This Taser use should have been more closely examined for compliance with policy and training, including whether the use of a Taser as a pain compliance tool is appropriate on those in crises.<sup>11</sup>
- Following a use of force in another case, the sergeant’s on-site interview of the subject (which is a component of the supervisory review process) seemed to lack the objectivity that is optimal for this context, in which the goal is getting a detailed statement of the subject’s version of events.<sup>12</sup> This issue would ideally have been identified and addressed at the next rank level.

It may be that supervisors did address these issues in an informal, undocumented way. But the Department’s current systems do not provide a clear mechanism for prompting supervisors to consider and record this level of review. Officers document their use of force within an arrest report. Supervising sergeants likewise document their investigation of the

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<sup>11</sup> We discuss aspects of the Department’s Taser policy below.

<sup>12</sup>The supervisor began by saying, “I’m here to conduct an administrative interview about fighting with the cops” – an approach that not only assumed a key fact but also had the unsurprising effect of eliciting an angry, reflexive denial.

incident – including any interview of the person on whom force was used – in a supplemental report that is part of the general offense report. Because that document is sent to the District Attorney for potential prosecution of the subject, however, supervisors are constrained in the amount of critical detail they provide in these reports. Sergeants do not currently make any determination or recommendation about whether the force used was in policy.

An officer also prepares a “Use of Force Detail Page” that triggers a Lieutenant and Commander-level review of the incident. If one of these supervisors identifies an issue that calls for formal intervention, they forward the case to Professional Standards for review. But that level of intervention is rare: We asked for any use of force incidents that had been routed to Professional Standards recently and received none.

Our sense is that the current gap in rigorous review of force is more of a structural issue than a lack of potential within the agency’s supervisory ranks. Indeed, we saw direct evidence of this in one of the categories of material that SBPD provided for us.

## *A Model from within the Agency: SBPD SWAT “After-Action Reports”*

We got a window into the agency’s potential for thoughtful, constructive review of officer performance – and the room for expansion and enhancement of those reviews that exists – when we asked for “any documentation showing debriefing of specific incidents and using them as learning opportunities” as one of the line items in our request for Department records. SBPD produced three “packages” of report information from recent deployments of its Special Weapons and Tactics unit (“SWAT”).

This was instructive to us in a few ways. First, it reinforced the reality that SBPD does not commonly experience “critical incidents” arising from deadly force, other force that leads to serious injury or death, or vehicle pursuits and other high-risk activities. (This is of course a positive for many reasons.) It also gave some insight into the Department’s SWAT team operations.

Our understanding is that this unit (which is a collateral assignment with significant training obligations) is well-equipped (including with an armored rescue vehicle) and carefully supervised. Staffing remains an issue, as with most specialized units and the Department as a whole. On average, SWAT is deployed approximately 10 to 15 times a year. Some of these are pre-arranged, such as the service of warrants against individuals who meet certain criteria for being potentially dangerous. Others are more spontaneous.

The three incidents we reviewed revolved around apprehension of suspects (including one mutual aid request to assist in taking into custody individuals wanted for murder in another jurisdiction). A particularly impressive operation included the rescue of a mother and daughter from inside their home as SWAT contended with a burglary in progress call and a suspect who was surrounded and refused to come out. Negotiations efforts, a forced entry, and a canine deployment ultimately resolved the matter successfully.

Interestingly, each incident was the subject of a formal “After Action” memorandum that was prepared by a participating SWAT team member and that followed a detailed template that provided details about the nature of the callout, the responsive planning, and a summary of the operation as it unfolded. It also included a “critique” section that looked at the event from various perspectives (including the effectiveness of equipment, communication, planning, and outcomes). Issues needing further attention were identified (along with possible “fixes”) and, importantly, positive aspects of the deployment were reinforced for future reference.

The memos reflect a commitment to continuous improvement – and a recognition that thorough, holistic self-scrutiny is an investment worth making. While SWAT’s mandate and culture are generally unique in our experience (and while we were specifically impressed with the thoughtfulness of the current lieutenant in charge at SBPD), there are ways in which its approach is applicable more broadly to force incidents and other unusual events.

## Toward a More Complete Review of All Force: Developing a New Process

Fortunately, the new Chief has identified the Department's force review process as an area in need of improvement and is already moving to make changes. She consulted with us during the course of our review and gave us the opportunity to provide input on a proposed new format for documenting supervisory review. As we understand it, supervising sergeants will be required to complete a use of force memo that will provide a summary of the incident, document the interviews of the subject of the force and any witnesses, and make findings and recommendations about whether the force was in policy and whether any remedial measures are needed. This form will be routed to a lieutenant and Commander for review and concurrence.

This change to the Department's existing process is consistent with the type of recommendations we were preparing to make in this report. We acknowledge and credit the new Chief for her proactivity, and appreciate her sharing the proposed forms with us prior to implementation. We made three recommendations for changes to the proposed new forms the Chief shared with us:

- Adding separate explicit categories of findings to account for those situations where an application of force was in policy, but some aspect of the tactics employed was out of policy or otherwise called for some level of remediation (for example, if a pursuit that preceded the force did not comply with training or policy expectations, or officer verbal communication had been notably ineffective).
- Including specific reference to de-escalation tactics or strategies employed – either actions officers took in an attempt to de-escalate, or why they could not make such efforts. (As we discuss more below, this would require officers to fully document de-escalation efforts in their reports.) It would also give the Department the ability to positively reinforce conflict resolution skills and acknowledge personnel who have the capability and temperament to handle difficult situations without resorting to force.

- Adding a prompt for supervisors to recommend a commendation to recognize exemplary tactics and performance. In our view, commendations are a valuable tool for reinforcing an agency's principles and priorities. Acknowledging effective performance, – particularly for things like de-escalating and avoiding the use of physical force – sends a message that can be just as impactful (and perhaps more so) than disciplining or otherwise holding officers accountable for not meeting Department expectations.<sup>13</sup>

The Chief is also preparing to add another level of managerial review with a quarterly use of force analysis. This is intended to be an executive-level review in which individual incidents are evaluated to identify trends in how officers are using force, as well as the need for any equipment changes, training refreshers or updates, or policy revisions. Again, this is very much consistent with the type of process we regularly recommend to ensure agencies are doing all they can to treat each use of force as a learning opportunity.

**RECOMMENDATION 18:** The Department should ensure that planned changes to its use of force review processes require that the agency looks beyond whether the force complied with policy to identify issues concerning tactics, decision-making, planning and coordination, choice of force options, de-escalation efforts, equipment, or supervision.

## Enhancing SBPD's Use of Force Policies

In our review of use of force incidents, we observed officer and supervisor performance that was consistent with best practices in many ways. Nonetheless, our review of SBPD written policies revealed some places

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<sup>13</sup> "Commendable restraint" would be another potential category to identify and affirm. In one of the cases we reviewed, officers responding to a bar fight had a protracted encounter with an intoxicated and belligerent individual who was also in need of medical attention. At one point as they sought to move him to a patrol car, he kicked backward and struck one of the involved officers (who had slipped toward the ground) in the face. (It is believed the officer temporarily lost consciousness.) From what we could glean from the available recordings, the other officers worked as a team and remained controlled in their physical efforts to overcome the man's resistance.

where revisions would be appropriate to align written policy with those practices.

## Reporting Uses of Force: Documenting De-Escalation Efforts

In the force incidents we reviewed, we found officers' reports of their actions to be thorough and generally well-written. This is consistent with SBPD's current Use of Force policy, which directs officers to document all uses of force promptly, completely, and accurately and to explain why they believed the use of force was reasonable under the circumstances. However, the updated use of force review process that the Chief is planning to implement will benefit from a greater level of specificity in officers' reporting practices.

Based on the cases we reviewed, de-escalation seems to be a routine part of officers' approach. We saw examples of officers attempting to de-escalate situations prior to the use of force, followed by, in some cases, effective reporting of these attempts.

Nonetheless, reporting on de-escalation techniques is not explicitly required by policy. Expanding the reporting policy to include a mandate that officers document any de-escalation efforts in their incident reports would reinforce the Department's emphasis in a concrete way, and would make it routine practice for officers to consider each incident through that lens. It will also enhance the Department's new force review process, which we anticipate will include supervisory review of any attempts to de-escalate.

**RECOMMENDATION 19:** The Department should revise its force reporting policy to require officers to fully document all efforts to de-escalate a situation or to detail any reasons why they were unable to do so.

## Post-Use of Force Procedures: Uninvolved Personnel

When officers use force to take a person into custody, best practice dictates that an uninvolved officer should be designated to transport the person and handle booking responsibilities. This reduces the opportunities for further conflict and better insulates the Department from allegations of inappropriate statements or acts by involved officers during

transport. In a number of cases we reviewed, we saw SBPD personnel adhere to this practice.<sup>14</sup> But it is not an explicit policy requirement.

Likewise, a sergeant or supervisor who uses force or directs officers' use of force should not be responsible for investigating or reviewing the incident. An involved sergeant's participation in the review process is an obvious obstacle to objectivity, and an uninvolved supervisor should be assigned to handle the investigation and review. In the cases we reviewed, we saw sergeants very expressly hand these tasks off to others because of their engagement in the incident. But again, it is not expressly required by policy that they do so. We recommend the Department consider formally incorporating these practices into policy.

**RECOMMENDATION 20:** The Department should revise its policy to require (when feasible) that an officer who was not involved in the use of force be designated for transport, booking and further contact with an arrestee after force has been used to take a person into custody.

**RECOMMENDATION 21:** The Department should revise its policy to require an uninvolved sergeant or other supervisor to investigate and review incidents where a sergeant either uses or directs the use of force.

### Reportable Uses of Force: Pointing a Firearm

SBPD's use of force policy does not specify that the pointing of a firearm is a use of force that requires reporting. The International Association of Chiefs of Police Model Policy on Reporting Use of Force designates the pointing of a weapon at an individual as a reportable use of force, and a number of other agencies likewise consider pointing a weapon at someone reportable as a use of force. This is consistent with federal case law that suggests that the pointing of a firearm at an individual is a seizure that can constitute excessive force depending on the circumstances. While we did not see this issue raised in any of the cases we reviewed, we

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<sup>14</sup> In one case, the sergeant made an express decision not to require a "fresh" officer to handle transport; interestingly, it was an involved officer that had raised the issue, which showed effective issue-spotting on his part.



nonetheless recommend the Department revise its policy to include this requirement.

**RECOMMENDATION 22:** The Department should revise its use of force policy to state that the pointing of a firearm at an individual is a reportable use of force.

## Guidance on the Use of Canines

An agency's canine policy should be consistent with its use of force policy and the agency's overall policing philosophy. SBPD's policy includes important features such as the role and duties of a Canine Coordinator, the handler's selection process and responsibilities, and training requirements. But it does not expressly identify the deployment of a canine as a use of force, and the review process for a dog bite does not match that for a use of force.

Current policy requires a Canine Coordinator to review all canine use reports for policy compliance and training issues. We suggest that in addition to this review, canine deployment should be subjected to the same review and scrutiny as other uses of force.

**RECOMMENDATION 23:** The Department should revise its policy on the use of canines to ensure that deployments leading to a bite are expressly considered a use of force subject to the same level of review and scrutiny as other uses of force.

## Guidance on the Use of Tasers

SBPD's policy on Conducted Energy Devices (Tasers) is comprehensive and generally consistent with that of many agencies. Our case review highlighted one area, however, where we believe revision is advisable to address a concern about use of the Taser in "drive stun" mode.<sup>15</sup>

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<sup>15</sup> A Taser fires two small electrodes that are intended to penetrate a subject's skin like probes or darts, but remain connected to the weapon by wires. The darts deliver an electric current and, when both are fully embedded, cause incapacitation of the

SBPD policy on drive stun mode states:

*Because the application of the TASER device in the drive stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions. (SBPD Policy Manual 304.5.2)*

In our view, the distinction between “pain compliance” and “distraction” techniques is too easily blurred, and use of the Taser in drive stun mode should be prohibited except when needed to complete the incapacitation circuit. The one Taser use we reviewed provides a good example of this. In that case, officers were struggling to restrain a combative subject who was apparently under the influence of narcotics. As other officers held the subject face down on the ground and attempted to gain control of his arms for handcuffing, one officer drive stunned the subject twice to his leg, then once to his lower back. At this third deployment, the subject screamed, and then shortly thereafter relaxed and submitted to handcuffing.

The Taser in this case seems to us to have been used as a pain compliance technique and not used “*to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.*” Nonetheless, the Department concluded the force was within policy.

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affected muscles. It also causes considerable pain and involuntary muscle contraction that ends after an initial standard five-second cycle.

In drive stun mode, though, officers use the device to make direct contact with a subject without the darts. This causes localized pain but generally not incapacitation.

It is also possible to use drive stun mode to complete the electronic circuit and incapacitate an individual when a single probe has successfully made contact and the other is either ineffective or dislodged. However, the primary use of the Taser in this mode has historically been as a method of “pain compliance” in which the goal is to gain control of a subject by compelling him to surrender to stop the pain. The value of using the Taser in drive stun mode for pain compliance has been questioned and is prohibited by a number of agencies.

Since 2011, the Police Executive Research Forum (PERF) and the Department of Justice’s Office of Community Oriented Policing Services (COPS) have cautioned that using drive stun mode “to achieve pain compliance may have limited effectiveness and, when used repeatedly, may even exacerbate the situation.”<sup>16</sup> PERF and COPS recommend that law enforcement agencies discourage use of the Taser as a pain compliance tactic.

Notwithstanding the fact that the third drive stun in the case we reference was apparently successful in helping officers gain control of the subject, its use in these circumstances is not advisable. We recommend the Department modify its policy and provide further limits on the use of the Taser in this mode.

**RECOMMENDATION 24:** The Department should revise its policy on the use of Tasers to prohibit its use in drive stun mode, except when needed as a supplement to complete the circuit.

## Addressing Behavioral Health Issues

In reviewing force cases, we were struck by the frequency with which SBPD officers are called on to address issues involving unhoused people or individuals in the midst of a mental or behavioral health crisis. A comprehensive response to those in crisis necessarily involves more than just the Police Department, to include City and County personnel and other public health resources. While assessment of those systems was beyond the scope of this assignment, it was a subject that came up often enough in our discussions to merit attention.

One of the most persistent calls from communities across the country following the murder of George Floyd was a need to “reimagine policing.” At the heart of this demand is the notion that the wide range of problems society has come to rely on the police to address might be better handled by others. This is an area where protesters and police find nearly

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<sup>16</sup> PERF & COPS, *2011 Electronic Control Weapon Guidelines* (March 2011). <https://www.ojp.gov/ncjrs/virtual-library/abstracts/electronic-control-weapon-guidelines-2011>.

universal agreement. And in many jurisdictions, leaders are developing innovative ways to divert some calls away from a traditional police response entirely, or at least to a collaborative, co-responder model, where social workers and mental health clinicians work together to address various challenges.

These co-response models recognize the complex realities of behavioral health crises that are not easily boxed into one category or another, as the lines between criminal behavior and acting out due to mental illness can be blurry. SBPD has a Joint Co-Response Team that pairs a specially-trained officer with a mental health professional from the County's Department of Behavioral Wellness. They respond to calls for service involving people in crisis, and work with individuals (and often, their family members) to connect them with appropriate services.

The County of Santa Barbara has a more established co-response team that pairs Sheriff's deputies with mental health clinicians. The County program currently has three full-time teams and has plans for expanding, with the goal of offering full-time coverage across all shifts. We understand that the City of Santa Barbara is working with the County to develop a regional MOU to ensure that County teams can respond in the City when the single SBPD team is not available. Given the reported success of the County's model and limited staffing available at SBPD, this strikes us as an effective way to expand available services in the City.

Another aspect of the County's Behavioral Wellness program is the provision of Crisis Intervention Team ("CIT") training. The training is part of a broader CIT program meant to connect law enforcement with a wide network of mental health providers and emergency responders with the goal of keeping people in treatment and out of jail. The training has been around for decades and is widely accepted for its effectiveness in connecting people to services while also improving officer safety. The County offers training to all law enforcement agencies in its jurisdiction, through a one-day, eight-hour course as well as a one-week, 40-hour academy. All SBPD officers have been through the eight-hour training, but fewer have attended the 40-hour academy.

In Santa Barbara, we observed officers display an impressive degree of patience and respect for the challenging individuals they were called on to deal with. This is a credit to the agency's culture and the effectiveness of officers' training. Still, the 40-hour CIT training is a best practice in law

enforcement that SBPD should strive to have all its officers attend. We understand the challenges of getting officers through such a substantial training program in the face of ongoing staffing shortages, but nonetheless believe it is a worthy goal, particularly in Santa Barbara where such a high percentage of calls involve people in crisis.

**RECOMMENDATION 25:** The Department should continue to ensure that all its officers have received the 8-hour Crisis Intervention Team training, should prioritize attendance at the longer course in this important topic, and should regularly incorporate aspects of CIT training into its in-service training curricula.

# Recruiting and Retention

Law enforcement agencies across the country are facing unprecedented challenges in hiring and retaining officers. This is due to a few widely-recognized factors: the impact of the 2020 protest movements that fostered negative portrayals of police, the stress of the COVID-19 pandemic, low unemployment and a generally strong job market, and a generational shift in attitudes and job expectations among millennials and gen-Xers. Even before the pandemic and the 2020 protests, the Police Executive Research Forum published in 2019 a report on the “workforce crisis” for law enforcement,<sup>17</sup> detailing how more people are leaving the profession and fewer people are joining than at any other point in history.

Santa Barbara is no exception. The Department reports that the number of people applying to the agency has dropped from around 1,000 six years ago to around 200 in 2021. And the challenges of recruiting for law enforcement jobs in general are exacerbated in Santa Barbara by the high cost of housing coupled with the distance between Santa Barbara and more affordable cities.

SBPD is attuned to this reality, and has taken some steps to address the challenges. We were told the salary and benefits package for new employees was recently raised to become comparable to other agencies in the region. And the City restored the SBPD’s budget for recruiting and retention (after it had been cut during the pandemic), so the hiring team has a greater ability to produce promotional materials and attend job fairs. The Department also recently re-started its cadet program (which employs

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<sup>17</sup> Police Executive Research Forum, “The Workforce Crisis, and What Police Agencies Are Doing About It,” Sept. 2019.  
<https://www.policeforum.org/assets/WorkforceCrisis.pdf>

college students as professional staff on a part-time basis with an eye toward bringing them on as officers after graduation).

With fewer people naturally gravitating to the profession, however, competition for this limited pool of qualified applicants is intense. And while keeping pace with other agencies in terms of pay and benefits is obviously critical, the Department needs to look beyond those traditional measures of job attractiveness to find ways to distinguish itself with recruits. At the same time, it should consider ways of identifying and attracting non-traditional candidates, or those who might not otherwise have considered a career in law enforcement.

The Department has developed some ways to stand out from other agencies in ways that are meaningful to recruits. For example, SBPD sends trainee officers to a POST-approved academy that is run by another (larger) entity, in this case the Ventura County Sheriff's Office. For recruits who live in Santa Barbara or are just relocating to the area, finding and paying for housing in Ventura during the course of the 24-week academy can be a hardship. To mitigate this, SBPD provides its recruits with an apartment near the training facility.

Another example of the Department's seeming recognition of a difficult hiring environment, and its willingness to respond pro-actively and with innovative ideas, is an attempt to streamline the hiring process by creating an "internal background" cadre. Background investigations are a critical part of the hiring process – an in-depth exploration of the applicant's past history and current standing in a variety of categories. Using detailed information provided by applicants as a starting point, these reviews ensure both the eligibility and suitability of prospective new employees. Most agencies use an outside contractor to accomplish this laborious task, and the process can be both expensive and time-consuming.

Our understanding is that SBPD's foray into having its own personnel conduct these investigations was born of necessity – a COVID-era concession to budget difficulties and overall constraints on operations. The current Professional Standards Unit lieutenant conducted some of these in her prior role as a sergeant, and found that there were benefits to doing so. It allowed the Department to control the timeline a bit more, and gave the management team a much more direct sense of connection to applicants. This helped them realize the ones they were especially committed to, and afforded the agency extra opportunities to show its

interest and ideally “close the deal” for desirable candidates in a uniquely competitive market.

The idea has since taken hold, with a small group of trained personnel who can conduct the background investigations as a collateral assignment. The agency recognizes that there are potential drawbacks. For example, the sensitivity of the personal information that is covered could potentially make for awkward future workplace dynamics, and the time that is spent by SBPD members on this process is time they are not spending in other ways, during a period of strained duty rosters. The experiment may not endure. But our understanding is that the insights of the background team have been influential in some recent successful recruiting efforts. And the recognition that unconventional new approaches are worth considering is itself commendable.

Another of the Department’s efforts to streamline the process of bringing new recruits on board is worth noting. One consistent frustration in the hiring process is the wait time between identifying an officer the agency wants to hire and the start of the next available training academy class.<sup>18</sup> To ease the financial burden of this delay, the Department offers to employ newly hired but not-yet-trained recruits in temporary civilian assignments.

This program has obvious appeal and seems like a necessary step in securing highly qualified recruits who are likely to have many options for employment in a competitive job market. (And offers the additional benefits of relationship-building and promoting familiarity with the agency and its operations.) The Department could enhance the experience of these recruits during this interim period by assigning them to work with community-based programs that provide social services to diverse neighborhoods instead of being assigned to administrative tasks as they currently are. This allocation of time would reinforce the value SBPD places on community relationship-building and demonstrate to new recruits the importance of those relationships. It also would increase recruits’ knowledge of the City and its neighborhoods through a different

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<sup>18</sup> Currently, the Department only sends its recruits to the Ventura County Sheriff’s Academy, which runs two classes a year, beginning in April and October. A recruit hired in June, for example, will have to wait four months before beginning training.



lens, and encourage them to begin thinking of ways to integrate broader problem-solving strategies at the outset of their law enforcement service.<sup>19</sup>

Beyond these few important efforts to meet the new job market realities, SBPD's recruitment strategies seem like standard fare for law enforcement – attending job fairs, reaching out to those leaving the military, working with local colleges' and universities' criminal justice programs. But one aspect of the current hiring crisis in law enforcement is the reality that many young people entering the workforce have different priorities and expectations than prior generations. People no longer expect to stay in one job through their entire career, so pensions do not find as much universal appeal as they once did. And finding a desirable work-life balance is as important to many as a high salary.

The nature of police work has also changed, with many calls demanding more of a social worker's touch than traditional law enforcement skills. Historically rich "pipelines" for new officers – retired military, for example – may not provide the ideal recruits for today's law enforcement, where the emphasis is on communication skills as much or more than physical abilities.

Recruitment strategies likewise should change to meet this reality. For example, police recruitment videos traditionally feature what many see as the most "exciting" aspects of the job. The SBPD's online recruitment video does a bit of that, featuring the K-9 team and SWAT and motorcycle officers. Besides not accurately representing the actual day-to-day work of a new officer, those videos may appeal less to young job seekers today, and are less likely to attract a non-traditional police recruit – one who is more interested in the service aspects of the job.

The Department's recruiting efforts – while perhaps in need of some updates – are generally finding success. The numbers of applicants and eventual hires are not as high as they have been historically, but those

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<sup>19</sup> This would be a natural extension of an existing SBPD practice of having newly graduated officers spend the first full week of field training working in a social service context, prior to their initial forays into patrol. This is an impressive dedication of resources – and one that should pay dividends in the form of the new officers' heightened understanding of and connections to the public they are entrusted to serve.

lower numbers generally align with what other agencies are reporting, so the trend is not a uniquely Santa Barbara problem.

SBPD has also been successful in an area of significant focus in the recruiting arena – attracting a diverse workforce. The racial makeup of the Department hews fairly closely to the City’s demographics.<sup>20</sup> This is significant because one important element of a multi-faceted approach to addressing the legacy of discrimination throughout the criminal justice system is to have police agencies reflect the communities they serve. The goal is not only to enhance credibility and relationships with marginalized groups, but also to improve police operations themselves by introducing a greater range of perspectives, life experiences, and cultural insights.

In gender diversity, too, the Department is meeting or exceeding expectations. A national “30 x 30” campaign is providing supports to help achieve the stated goal of having female candidates comprise 30% of the new recruiting classes for all local agencies by 2030. Santa Barbara has already achieved this goal. Among the current officer ranks, 27% are women. But over half of the female officers on the Department were hired in the past five years. Of those hired since 2018 (and who are still with the agency), 35% are women. Retaining those women long into their careers and promoting them to leadership positions presents different challenges.

The difficulty SBPD has had retaining its female officers was a frequently discussed subject during our interviews with Department members. It has led to the related issue of having few women available for promotion to mid-level management. Currently, only one of seven lieutenants and one of 18 sergeants are women. The reasons female officers leave the agency seem obvious enough – a large percentage have departed to take jobs as investigators with the District Attorney’s office, a position that provides predictable work schedules that are particularly attractive to women with young children. The answers are less obvious, but have to be found in creative ways to overcome the barriers that have historically limited the participation of women in the profession.

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<sup>20</sup> According to the SBPD website and the U.S. Census, 2.6% of the Department’s officers are Black vs. 1.5% of the City’s residents; 25.4% of officers are Hispanic vs. 35.1% of the City; 2.6% are Asian vs. 4% of the City; and 3.5% of officers identify with two or more races, vs. 3.0% of the City’s residents.

One idea that has been proposed by SBPD in recent years is a “job share” that would provide greater flexibility for officers who struggle to balance family commitments with the demands of full-time work. We were told the City was not able to accommodate such arrangements. While there are undoubtedly practical obstacles to the job share concept, we credit the Department for even entertaining the idea. These sorts of accommodations are, in our view, an appropriately progressive evolution – one that benefits employees but also reckons constructively with the current hiring and retention challenges.

Addressing the issues that most impact the retention of women may also shift the culture in ways that make the agency more attractive to all recruits, as job seekers are increasingly focused on finding greater balance between work and outside interests. We encourage the Department and the City to continue to think “outside the box” when it comes to these issues. The best way to meet current challenges is with a willingness to be flexible and open-minded while re-considering traditional strategies for hiring and retaining officers.

**RECOMMENDATION 26:** The Department should consider using the interim period between when recruits are hired and their academy training begins to assign recruits to work with community-based programs that provide social services to diverse neighborhoods.

**RECOMMENDATION 27:** The Department should update its recruitment materials to reflect current workforce dynamics and modern realities of policing by focusing more on the service aspects of a law enforcement career.

**RECOMMENDATION 28:** The Department and the City should continue to seek and embrace creative ways to meet the work-life balance demands of both current and potential employees, such as facilitating a job share option.

## Community Involvement

A key pillar in former President Obama’s 21<sup>st</sup> Century Policing Task Force report was a call for more community involvement in the development of policies and traditional police functions. This should include finding ways

to integrate community involvement in the recruitment and hiring process. For example, community representatives could be asked to weigh in on recruitment opportunities that may not be part of the current rubric, or to suggest ways to make the agency more appealing to a wider range of potential candidates. Community representatives could also be asked to review the current criteria for selection and make suggestions for qualities the Department should seek in the ideal candidates.

Including a representative of the community in the interviews of prospective recruits is another concrete means of incorporating those voices into the Department's operations. Our understanding is that SBPD has, to its credit, utilized this concept in recent years. As Santa Barbara transitions into a more structured community oversight model, individuals serving in a new oversight role could be ideal candidates for these responsibilities.

**RECOMMENDATION 29:** The Department should seek community involvement in reviewing current recruiting strategies.

**RECOMMENDATION 30:** The Department should seek community involvement in reviewing current desired criteria for police officer candidates.

**RECOMMENDATION 31:** The Department should continue to involve community representatives on panels conducting interviews of prospective recruits.

# Conclusion

To remain effective in an evolving social environment, any large organization with complex responsibilities must not only commit to the hard work of preserving its strengths, but must also accept the need to adjust in response to changing circumstances. For American law enforcement, this challenge has been particularly acute in the last several years. A move toward greater scrutiny and new expectations has amounted to a pendulum swing that many agencies and individual officers have struggled to embrace. But, as we say at the outset of this Report, transition can also mean opportunity.

In our view, SBPD is well situated to accommodate – and benefit from – additional public interest in having input and ensuring accountability when it comes to public safety. The Department's standing in the community is justifiably strong, and we recount some of the different ways that it has already prioritized the “two-way street” of engagement with the neighborhoods, businesses, and residents whom it serves. Preserving and building upon these efforts will continue to be of paramount importance, and we encourage SBPD to remain committed to the task.

As for the agency's operational needs, our Report focuses to some extent on “insider” issues that may not be readily apparent to the public – but that directly or indirectly impact the nature and quality of the Department's performance. We believe significant benefits will arise from greater commitment to executive development, a heightened emphasis on internal communication and officer support, and refinements in the process for personnel investigations and force reviews.

The timing of this audit was auspicious, overlapping as it did with the arrival of an energetic new Chief and the development of new oversight capabilities for the Police and Fire Commission. We are optimistic about the direction of SBPD, and hope our Report will further the momentum created by the developments.

# Recommendations

- 1: SBPD should establish mechanisms to ensure that all its personnel, and its supervisors and managers in particular, engage in regular forms of professional development beyond mandatory state training requirements, with an eye toward increasing their own skill and expanding the agency's capabilities at the leadership level.
- 2: SBPD should pursue strategies to help encourage the involvement of female officers across a range of roles, and to ensure that its selection processes for promotions and special assignments incorporate a range of perspectives.
- 3: SBPD should continue to provide organizational support for both the "community-based field training" concept and initiatives that promote relationship-building with groups that are often marginalized in the justice system.
- 4: SBPD should seek community involvement in reviewing the current grid qualities used to evaluate employee performance and seek input in refining those qualities to match community expectations more closely.
- 5: SBPD should provide more guidance to reviewers to indicate which qualities should be expressly discussed in the narrative section of employee evaluations.
- 6: SBPD should ensure that a prior supervisor contributes meaningfully to any evaluation of an employee who worked for the supervisor during the evaluation period.
- 7: SBPD leadership should review its mechanism for tracking the dispositions of lower-level performance complaints and non-disciplinary interventions, to ensure that handling supervisors are following through in providing appropriate documentation and tailored interventions as needed.

- 8: SBPD should work to enhance its post-investigation communications with complainants, in order to provide additional information about the process and a mechanism for further dialogue or feedback where appropriate.
- 9: SBPD should include any correspondence with complainants as part of the formal investigation file of every complaint case.
- 10: SBPD should develop internal timelines for completion of investigations (90-120 days) and require a justification and supervisory approval for any extensions.
- 11: SBPD should continue its efforts toward expanding managerial “ownership” of the discipline process by involving lieutenants in decision-making and equipping all sergeants with the ability to conduct administrative investigations.
- 12: SBPD should consider reviewing the “incomplete” complaint designation to reflect its current relevance to Department practice.
- 13: SBPD should limit its closure of complaint investigations without officer interviews to situations where initially available evidence or analysis leaves no significant factual questions about the possible legitimacy of allegations.
- 14: SBPD should eliminate “Miscellaneous File” as a designation for complaint cases that are clearly lacking in merit based on initial assessment or fact-gathering, and instead utilize one of the standard terms for case disposition that reflects the Department’s conclusions.
- 15: SBPD should promote an “information-gathering” paradigm for its administrative investigators in their intake interviews with complainants from the public, so as not to inadvertently leave an impression of bias or dissuasion.
- 16: SBPD should provide subject officers with sufficient factual detail to know the nature of the allegations against them in the context of a disciplinary investigation.
- 17: SBPD should review its approach to disciplinary consequences to make sure that the goals of the process are not being undermined by undue leniency.

- 18: The Department should ensure that planned changes to its use of force review processes require that the agency looks beyond whether the force complied with policy to identify issues concerning tactics, decision-making, planning and coordination, choice of force options, de-escalation efforts, equipment, or supervision.
- 19: The Department should revise its force reporting policy to require officers to fully document all efforts to de-escalate a situation or to detail any reasons why they were unable to do so.
- 20: The Department should revise its policy to require (when feasible) that an officer who was not involved in the use of force be designated for transport, booking and further contact with an arrestee after force has been used to take a person into custody.
- 21: The Department should revise its policy to require an uninvolved sergeant or other supervisor to investigate and review incidents where a sergeant either uses or directs the use of force.
- 22: The Department should revise its use of force policy to state that the pointing of a firearm at an individual is a reportable use of force.
- 23: The Department should revise its policy on the use of canines to ensure that deployments leading to a bite are expressly considered a use of force subject to the same level of review and scrutiny as other uses of force.
- 24: The Department should revise its policy on the use of Tasers to prohibit its use in drive stun mode, except when needed as a supplement to complete the circuit.
- 25: The Department should continue to ensure that all its officers have received the 8-hour Crisis Intervention Team training, should prioritize attendance at the longer course in this important topic, and should regularly incorporate aspects of CIT training into its in-service training curricula.
- 26: The Department should consider using the interim period between when recruits are hired and their academy training begins to assign recruits to work with community-based programs that provide social services to diverse neighborhoods.



- 27: The Department should update its recruitment materials to reflect current workforce dynamics and modern realities of policing by focusing more on the service aspects of a law enforcement career.
- 28: The Department and the City should continue to seek and embrace creative ways to meet the work-life balance demands of both current and potential employees, such as facilitating a job share option.
- 29: The Department should seek community involvement in reviewing current recruiting strategies.
- 30: The Department should seek community involvement in reviewing current desired criteria for police officer candidates.
- 31: The Department should continue to involve community representatives on panels conducting interviews of prospective recruits.



**City of Santa Barbara**  
POLICE DEPARTMENT

**Memorandum**

**DATE:** April 20, 2023  
**TO:** Fire and Police Commission  
**FROM:** Commander Kasi Corbett  
**SUBJECT:** Quarterly Report: January – March 2023

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The City Council approved 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 the Fire and Police Commissioners on October 18, 2022.

As stated in section 2.09.010 of the Ordinance: the purpose of the ordinance is to strengthen the relationship between the Santa Barbara Fire Department and Police Department with the community by providing transparent oversight and increased civilian input regarding departmental policies, practices, and procedures.

As stated in section 2.09.040 of the Ordinance: Under Powers and Duties specifically section B4: 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:

- **The number of complaints of Department sworn employees submitted to the Professional Standards Unit (PSU) on a quarterly basis.**
  - For the period January 1, 2023, through March 31, 2023, the Santa Barbara Police Department received the following number of complaints submitted against sworn employees:
    - Citizen Complaints – 7
    - Administrative Complaints - 2

- **The number of pending PSU investigations, and the related policy section of misconduct that are being investigated on a quarterly basis.**
  - For the period January 1, 2023, through March 31, 2023, the Santa Barbara Police Department has the following pending PSU investigations against sworn employees as of April 20, 2023.
    - Number of pending PSU investigations – 4
    - Relevant policy sections:
      - 807.4 Improper access of police department records
      - 321.3.5 (c) Unsatisfactory work performance
      - 1003.2 Retaliation prohibited
      - 300.2 Use of force

## SANTA BARBARA POLICE DEPARTMENT MILITARY USE EQUIPMENT INVENTORY 2023

1. Robot: A remotely controlled unmanned machine that operates on the ground, which is utilized to enhance the safety of the community and officers.
  - a. Description, quantity, capabilities, and purchase cost  
iRobot 110 FirstLook, cost \$25,000, quantity:1. Lightweight unmanned ground vehicle.
  - b. Purpose  
To be used to remotely gain visual/audio data, deliver negotiation phone, open doors, disrupt packages, and clear buildings.
  - c. Authorized Use  
Assigned SWAT operators.
  - d. Expected Life Span 8-10 years.
  - e. Fiscal Impact  
No ongoing maintenance costs.
  - f. Training  
Robot operators trained per the instructions included with the robot.
  - g. Legal and Procedural Rules  
It is the practice of the SBPD to utilize a robot only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.
  
2. Unmanned Aerial System (UAS): An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV), and all supporting or attached systems designed for gathering information through imaging, recording or any other means.
  - a. Description, quantity, capabilities, and purchase cost
    - i: DJI Mavic 3T, cost \$5,498, quantity:1, Small lightweight Unmanned Aerial System with thermal imaging capabilities.
    - ii: DJI Mavic 3E, cost \$3,628, quantity: 1, Small lightweight Unmanned Aerial System with mapping capabilities.
    - iii: DJI Avata, cost \$1,388, quantity: 2, small lightweight Unmanned Aerial System with interior flight capabilities.
  - b. Purpose  
All authorized missions for SBPD UAS are for:
    - Tactical operations / Situational awareness
    - Response to crimes in progress or emergent calls for service
    - Hazard assessment
    - Disaster response
    - Mapping
    - Rescue operations / Fires
    - Crime scene documentation
    - Traffic collision scene documentation and mapping
    - Terrorism incidents

- Infrastructure inspection and documentation
- Search for lost or at-risk missing persons

c. Authorized Use

FAA certified UAS Pilots

d. Expected Life Span

5 years.

e. Fiscal Impact

Annual maintenance cost of approximately \$2,000.

f. Training

UAS operators are trained per current FAA, POST and other legal standards.

g. Legal and Procedural Rules

It is the practice of the SBPD to utilize Unmanned Aircraft Systems (UAS) only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

3. Armored Vehicles: Commercially produced wheeled armored personnel vehicle utilized for law enforcement purposes.

a. Description, quantity, capabilities, and purchase cost

LENCO BEARCAT, G2, cost: \$315,000, quantity: 1. The Lenco Bearcat, G2, is an armored vehicle that seats 10-12 personnel with open floor plan that allows for rescue of down personnel. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor.

b. Purpose

To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.

c. Authorized Use

The use of armored vehicles shall only be authorized by a watch commander or SWAT commander, based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with Department policy and training.

d. Lifespan

Lenco Bearcat model G2, 25 years.

e. Fiscal Impact

Annual maintenance cost of approximately \$5,000.

f. Training

All driver/operators shall be trained in vehicle operations and practical driving instruction.

g. Legal and Procedural Rules

Use is established under Policy section 706. It is the policy of the Department to utilize armored vehicles only for official law enforcement purposes, and pursuant to State and Federal law.

4. Mobile Incident Command Vehicle (MIC): A vehicle used mobile office that provides shelter, access to Department computer and communication systems during extended events.
  - a. Description, quantity, capabilities, and purchase cost  
Ford F59 Aluminum Body chassis with gas engine, (custom built) vehicle by LDV Custom Specialty Vehicles, cost: \$250,000, quantity: 1. The MIC can also be utilized for SWAT/CNRT and other critical incidents, preplanned large events, searching for missing persons, natural disasters, and community events. The vehicle requires at a minimum a Class C Driver's License.
  - b. Purpose  
To be used based on the specific circumstances of a given critical incident, large event, natural disaster or community event that is taking place.
  - c. Authorized Use  
Only officers trained in their deployment and operations in a manner consistent with Department policy and training are authorized to operate the MIC. Situations which the MIC is authorized for use would include but not be limited to critical incidents, emergencies and natural disasters.
  - d. Lifespan  
The MIC, 20-year lifespan on chassis and vehicle structure. Upgrades needed in 7 years to maintain IT systems.
  - e. Fiscal Impact  
Annual maintenance cost is approximately \$12,000.
  - f. Training  
The driver/operator shall receive training in the safe handling of the vehicle on a closed training course, supervised by a CNRT and/or Fleet Supervisor. Once the operator has shown competence in vehicle handling, the driver/operator will drive the vehicle throughout the city with an experienced driver.
  - g. Legal and Procedural Rules  
It is the policy of the Department to use the MIC only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.
  - h. Training  
Once completing a closed training course, the operator will drive the vehicle throughout the city with an experienced MIC vehicle driver.
  - i. Legal Procedural Rules  
Use shall be in accordance with California State law regarding the operation of motor vehicles.
  
5. 40 MM Launchers and Rounds: 40MM Launchers are utilized by department personnel as a less lethal tool to launch impact rounds, and for delivery of chemical agents.
  - a. Description, quantity, capabilities, and purchase cost
    - i. DEFENSE TECHNOLOGY, 40MM SINGLE SHOT LAUNCHER, cost: \$1000, quantity: 2. The 40MM Single Launcher is a tactical single shot launcher that features a tactical stock

and adjustable front grip with light rail. It will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. It is only authorized to be used by trained personnel.

- ii. LEWIS MACHINE AND TOOL (LMT) 40MM SINGLE SHOT LAUNCHER, cost \$700, quantity: 2, a tactical single-shot launcher with pistol grip and tactical stock. It will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. It is only authorized to be used by trained personnel.
- iii. PENN ARMS 40MM MULTI-SHOT LAUNCHER, cost \$1500, quantity:1. 40MM launcher that can be loaded with up to six less-lethal projectiles. It will fire standard 40mm ammunition and is only authorized for use by trained personnel.
- iv. DEFENSE TECHNOLOGY, 40MM EXACT IMPACT SPONGE, #6325, cost: \$18, quantity: 80. A less lethal 40mm lightweight plastic and foam projectile fired from a single or multi-round purpose built 40mm grenade launcher with a rifled barrel at 325 FPS. The 30-gram foam projectile delivers 120 ft/lbs. of energy on impact. The 40mm Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 131 feet from the target.
- v. DEFENSE TECHNOLOGY, FERRETT 40MM LIQUID CS BARRICADE PENETRATOR ROUND, cost: \$23, quantity: 10. A chemical agent 40MM round used to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. In a tactical deployment situation, the 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects.

b. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

c. Authorized Use

Situations for use of the less lethal weapon systems may include, but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

d. Training

Sworn members utilizing 40MM less lethal impact rounds are trained in their use by POST certified less lethal and chemical agent instructors.

e. Lifespan

Defense Technology launcher- 25 years.

LMT launcher – 25 years.

Exact Impact Sponge round - 5 years.

Defense Technology chemical munitions - 5 years.

f. Fiscal Impact

No annual maintenance cost for launchers or ammunition.

g. Legal and Procedural Rules

Use is established under Policy Sections 303 and 404. It is the policy of the SBPD to utilize the 40mm only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

6. Less Lethal Shotgun: Less Lethal Shotgun is used to deploy the less lethal 12-gauge Safariland 3027 Drag-Stabilized round.

a. Description, quantity, capabilities, and purchase cost

- i. REMINGTON 870 LESS LETHAL SHOTGUN, cost: \$1000, quantity: 8. The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12-gauge round up to a distance of 50 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of de-escalation.
- ii. 12-GAUGE SAFARILAND 3027 DRAG-STABILIZED ROUND, cost: \$5, quantity: 200. A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with lead shot at a velocity of 270 feet per second (FPS). The rounds are discharged from a dedicated 12-gauge shotgun that is distinguishable by an orange butt stock and fore grip. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet.

b. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

c. Authorized Use

Situations for use of the less lethal weapon systems may include, but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

d. Lifespan

Remington 870 Less Lethal Shotgun- 25 years.

Safariland 3027 round – No expiration date.

e. Fiscal Impact

No annual maintenance cost for shotguns.

f. Training

All officers are trained in the 12 gauge less lethal shotgun as a less lethal option by in-service training. SWAT personnel receive additional training internally when they transfer to the unit.

g. Legal and Procedural Rules

Use is established under Policy Section 303. It is the policy of the SBPD to utilize the less



lethal shotgun only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

7. Distraction Devices: A device used to distract dangerous persons.

a. Description, quantity, capabilities, and purchase cost

- i. DEFENSE TECHNOLOGY 25 LIGHT/SOUND DISTRACTIONARY DEVICE, cost: \$50, quantity: 35. A non-bursting, non-fragmenting device that produces a thunderous bang with an intense bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.

b. Purpose

A distraction device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations. To produce atmospheric over-pressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage.

c. Authorized Use

Diversionary Devices shall only be used:

- i. By officers who have been trained in their proper use.
- ii. In hostage and barricaded subject situations.
- iii. In high-risk warrant (search/arrest) services where there may be extreme hazards to officers.
- iv. During other high-risk situations where their use would enhance officer safety.
- v. During training exercises.

d. Lifespan

Until used.

e. Fiscal Impact

No annual maintenance cost.

f. Training

Prior to use, SWAT officers must attend diversionary device training that is conducted by Post certified instructors.

g. Legal and Procedural Rules

Use is established under the SBPD SWAT Manual and Policy Section 404. It is the policy of the SBPD to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

8. Rifles: Guns that are fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.

a. Description, quantity, capabilities, and purchase cost

- i. Colt M4 Carbine, semi-automatic, quantity: 46, cost \$900. A rifle that fires an intermediate-power cartridge (.223) which is more powerful than a standard pistol but less powerful than a standard rifle. It is a short-barreled rifle which allows a trained officer better control inside of structures with greater accuracy than a handgun. This version of the rifle is used by patrol officers.
- ii. Colt AR-15A3 rifle, semi-automatic, quantity: 34, cost \$900. A rifle that fires an

intermediate-power cartridge (.223) which is more powerful than a standard pistol but less powerful than a standard rifle. It allows a trained officer better control inside of structures with greater accuracy than a handgun. This version of the rifle is used by patrol officers.

- iii. Colt M-16 automatic rifle in the following variants: M4, LE6946 Carbine, M-16 rifle. Quantity: 21, cost \$900. A rifle that fires an intermediate-power cartridge (.223) which is more powerful than a standard pistol but less powerful than a standard rifle. These variants are fully-automatic. Only trained and certified SWAT Officers are authorized to deploy these rifles.
  - iv. Tactical Operations Tango 51 .308 caliber Sniper Rifle. Quantity: 4, cost \$8000. A highly accurate sniper rifle capable of precision fire at distance. Only trained and certified SWAT snipers are authorized to deploy these rifles.
  - v. Remington 700P .308 caliber Sniper Rifle. Quantity: 1, cost: \$700. A highly accurate sniper rifle capable of precision fire at distance. Only trained and certified SWAT snipers are authorized to deploy these rifles.
  - vi. Noveske N-6 .308 caliber Sniper Rifle. Quantity: 1, cost \$6,500. A highly accurate sniper rifle capable of precision fire at distance. Only trained and certified SWAT snipers are authorized to deploy these rifles.
  - vii. Surgeon CSR .308 caliber Sniper Rifle. Quantity: 4, cost \$10,000. A highly accurate sniper rifle capable of precision fire at distance. Only trained and certified SWAT snipers are authorized to deploy these rifles.
  - viii. Winchester .223 Caliber 62 Grain Rifle Ammunition, cost: \$360 per case of 1000, quantity: approximately 18 cases. Standard law enforcement ammunition for .223 rifles and carbines.
  - ix. Federal Premium LE .308 caliber 168 Grain Rifle Ammunition. cost: \$400 per case of 500, quantity: 10 cases. Standard law enforcement ammunition for .308 caliber sniper rifles.
- b. Purpose  
To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.
  - c. Authorized Use  
Only members that are POST certified are authorized to use a patrol rifle. Fully-automatic rifles and .308 caliber sniper rifles are only deployed by authorized and trained SWAT personnel.
  - d. Lifespan  
Colt AR-15 rifles – no expiration. Rifles typically stay in service 20+ years.  
Colt M-16, M4 and variant rifles - no expiration.  
Winchester rifle ammunition - no expiration.  
Federal rifle ammunition - no expiration.
  - e. Fiscal Impact  
Annual maintenance is approximately \$400, total, for all rifles.
  - f. Training  
Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass an annual range

qualification. SWAT officers deploying .308 rifles and/or automatic .223 caliber rifles are trained and certified in those rifles and qualify in their use regularly.

g. Legal and Procedural Rules

Use is established under Policy Sections 306, 404, and the SWAT Manual. It is the policy of the SBPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

9. Chemical Agents and Smoke Canisters: Canisters that contain chemical agents that are released when deployed. The chemical agent "CS" is commonly referred to as tear gas. "OC" refers to oleoresin capsicum, commonly referred to as pepper spray.

a. Description, quantity, capabilities, and purchase cost

- i. DEFENSE TECHNOLOGY, TRIPLE-CHASER SEPARATING CANISTER, CS, #1026, cost: \$47, quantity: 10. The Triple-Chaser CS consists of three separate canisters pressed together with separating charges between each. When deployed, the canisters separate and land approximately 20 feet apart allowing increased area coverage in a short period of time. This canister can be hand thrown or launched from a fired delivery system. The canister is 6.5 in. by 2.7 in. and holds an approximately 3.2 oz. of active agent payload. It has an approximate burn time of 20-30 seconds.
- ii. DEFENSE TECHNOLOGY, RIOT CONTROL CONTINUOUS DISCHARGE GRENADE, CS, #1082, cost: \$27, quantity: 10. The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a crowd. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.35 in. and holds approximately 2.7 oz. of active agent.
- iii. DEFENSE TECHNOLOGY, FLAMELESS TRI-CHAMBER CS GRENADE, #1032, cost \$45, quantity: 20. The design of the Tri-Chamber Flameless CS Grenade allows the contents to burn within an internal can and disperse the agent safely with reduced risk of fire. The grenade is designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. This grenade will deliver approximately .70 oz. of agent during its 20-25 seconds burn time. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure.
- iv. DEFENSE TECHNOLOGY, MAXIMUM HC SMOKE LARGE STYLE CANISTER, #1073, cost: \$38, quantity: 5. It is a slow burning, high volume, continuous discharge grenade

designed for outdoor use in crowd management situations. Emits grey-white smoke only for approximately 1.5 to 2 minutes.

- v. DEFENSE TECHNOLOGY, RIOT CONTROL CONTINUOUS DISCHARGE OC GRENADE, #1080, cost \$41, quantity: 10 - The Riot Control OC Grenade is designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a crowd. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.35 in. and holds approximately 0.88 oz. of active agent.
  - vi. DEFENSE TECHNOLOGY, OC VAPOR AEROSOL GRENADE, #1056, cost: \$49, quantity: 5. The Defense Technology OC Vapor Aerosol Grenade is for law enforcement and corrections use to deliver a high concentration of Oleoresin Capsicum (OC) in a powerful mist. The grenade is designed for indoor use in confined areas and, once deployed, inflames the mucous membranes and exposed skin resulting in an intense burning sensation. The incapacitating effect of the OC Vapor on the subject is dramatic with minimal decontamination needed. Removing the subject from the affected area to fresh air will resolve respiratory effects within minutes. The OC Vapor Aerosol Grenade is ideal for cell extractions or barricade situations where the use of pyrotechnic, powder or liquid devices is not practical or desired.
  - vii. Defense Technology Pocket Tactical CS Grenade #1016, cost \$35, quantity: 9. Lightweight grenade containing .9 oz of active ingredient, burns for 20-40 seconds. The device is intended to be hand-deployed in exigent circumstances, to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects
  - viii. DEFENSE TECHNOLOGY SPEDE-HEAT CS canisters, cost: \$30, quantity: 12. The Spede-Heat is a pyrotechnic round designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 20-40 seconds from a single source. The Spede-Heat family may be used to conceal tactical movement or to route a crowd.
- b. Purpose  
To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include, but are not limited to:
  - i. Self-destructive, dangerous and/or combative individuals.
  - ii. Riot/crowd control and civil unrest incidents.
  - iii. Circumstances where a tactical advantage can be obtained.
  - iv. Potentially vicious animals.
  - v. Training exercises or approved demonstrations.

- c. Authorized Use
- d. Only officers who have received POST certification in the use chemical agents are authorized to use chemical agents
- e. Training Sworn members utilizing chemical agent canisters are certified by POST less lethal and chemical agent instructors.
- f. Lifespan  
5 years from manufacturing date.
- g. Fiscal Impact  
No annual maintenance.
- h. Legal and Procedural Rules  
Use is established under Policy Section 404 and the SWAT Manual. It is the policy of the SBPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

**10. PepperBall Launcher: A device that discharges irritant projectiles.**

- a. Description, quantity, capabilities, and purchase cost
  - i. TIPPMANN LAUNCHER, cost: \$700, quantity 2. A compressed-air powered launcher designed to fire non-lethal PepperBall projectiles.
  - ii. PepperBall PROJECTILE, cost: \$2 per projectile, quantity 500. The basic PepperBall projectile contains 2% PAVA pepper powder, and is designed for direct impact and area saturation, especially in confined, interior spaces. Discharged from a PepperBall Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60ft and an area of saturation of 150+ft. The projectile contains 0.5% PAVA Powder.
  - iii. PepperBall LIVE-X PROJECTILE, cost: \$3 per projectile, quantity 500. The Live Projectile contains a concentrated amount of PAVA pepper powder. One round of LIVE-X contains the equivalent to 10 PepperBall rounds. Discharged from a PepperBall Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60ft and an area of saturation of 150+ft. The projectile contains 5% PAVA Powder.
- b. Purpose  
To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include but, are not limited to:
  - i. Self-destructive, dangerous and/or combative individuals.
  - ii. Riot/crowd control and civil unrest incidents.
  - iii. Circumstances where a tactical advantage can be obtained.
  - iv. Potentially vicious animals.
  - v. Training exercises or approved demonstrations.
- c. Authorized Use

Only those officers who have been trained in the use of PepperBall launchers are authorized to use the PepperBall launchers.

d. Training

Sworn members utilizing PepperBall launchers and projectiles are trained in their use by POST certified less lethal and chemical agent instructors.

e. Lifespan

- i. Tippmann Launcher - 20 years
- ii. PepperBall Live Projectile- 3 years
- iii. PepperBall Live-X Projectile- 3 years

f. Fiscal impact

No annual maintenance cost.

g. Legal and Procedural Rules

Use is established under Policy Section 303. It is the policy of the SBPD to utilize PepperBall only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

**11. Breaching Shotgun: Firearm which is used to force entry into doors and other materials.**

a. Description, quantity, capabilities, and purchase cost

- i. Remington 870 12-gauge shotgun, \$1000, quantity: three.
- ii. Polyshok IRP 12-gauge breaching ammunition, quantity: 50, \$5. Polyshok IRP is specifically designed to expend its energy into a door or locking mechanism, defeating the door or lock without penetrating through whatever material it is fired into.
- iii. Safariland 3105 Breaching TKO 12-gauge rounds, quantity 25, \$5. Round IRP is specifically designed to expend its energy into a door or locking mechanism, defeating the door or lock without penetrating through whatever material it is fired into.

b. Purpose

To allow tactical teams to quickly gain access to desired areas without unduly endangering anyone inside.

c. Authorized Use

Only SWAT officers trained in its use are authorized to utilize the breaching shotgun and Polyshok or TKO ammunition.

d. Training

Authorized users are trained by firearms range training officers.

e. Lifespan

No expiration date given for shotguns or ammunition. Shotguns commonly remain in use for 20+ years.

f. Fiscal Impact

No annual maintenance cost.

g. Legal and Procedural Rules

The use of the breaching shotgun is authorized by the SBPD SWAT manual. It is the policy of the SBPD to utilize the breaching shotgun only for official law enforcement purposes, pursuant to State and Federal law.

B. MAINTENANCE OF MILITARY USE SUPPLY LEVELS

When stocks of military equipment have reached significantly low levels or have been exhausted, the Department may order up to 10% of stock in a calendar year without City Council approval to maintain essential availability for the Department's needs. SBPD is authorized to acquire additional stock of items listed here from other law enforcement agencies of CalOES in the event of an emergency when approved by the COP or designee.

# SANTA BARBARA POLICE DEPARTMENT

## MILITARY EQUIPMENT ANNUAL REPORT (2022)

### BACKGROUND

On April 19, 2022, the Santa Barbara City Council approved the Santa Barbara Police Department (SBPD) specialized ("military") equipment policy and inventory list. Pursuant to Assembly Bill 481 and Government Code §7072(a), an annual report is required for as long as the equipment is available for use by SBPD. The following summary outlines the use of this specialized equipment in 2022:

### EQUIPMENT USE SUMMARY<sup>1</sup>

1. **Robot:** A remotely controlled unmanned machine that operates on the ground, which is utilized to enhance the safety of the community and officers.
  - There were no operational uses of the iRobot 110 FirstLook.<sup>2</sup>
2. **Armored Vehicles:** Commercially produced wheeled armored personnel vehicle utilized for law enforcement purposes.
  - The Lenco Bearcat was used in six (6) operations.
3. **Mobile Incident Command Vehicle (MIC):** A vehicle used mobile office that provides shelter, access to Department computer and communication systems during extended events.
  - The Mobile Incident Command Vehicle was used in five (5) operations.
4. **40 MM Launchers and Rounds:** 40MM Launchers are utilized by Department personnel as a less lethal tool to launch impact rounds, and for delivery of chemical agents.
  - There were no operational uses of the 40 MM Launcher.
5. **Less Lethal Shotgun:** Less Lethal Shotgun is used to deploy the less lethal 12-gauge Safariland 3027 Drag-Stabilized round.
  - There were no operational uses of the Less Lethal Shotgun.

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<sup>1</sup> Government Code §7072(a)(l)

<sup>2</sup> Operation as defined in this report means utilized during call for service or specialty team activation due to a critical incident or emergency. It does not include training.



6. **Distraction Devices:** A device used to distract dangerous persons.
  - There were no operational uses of Distraction Devices.
7. **Rifles:** Guns that are fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.
  - There were no operational Rifle uses.
8. **Chemical Agents and Smoke Canisters:** Canisters that contain chemical agents that are released when deployed. The chemical agent “CS” is commonly referred to as tear gas. “OC” refers to oleoresin capsicum, commonly referred to as pepper spray.
  - There were no operational uses of Chemical Agents or Smoke Canisters.
9. **PepperBall Launcher:** A device that discharges irritant projectiles.
  - There were no operational uses of the PepperBall Launcher.
10. **Breaching Shotgun:** Firearm which is used to force entry into doors and other materials.
  - There were no operational uses of the Breaching Shotgun.

## **SUMMARY**

- There were no complaints or concerns received regarding this equipment.<sup>3</sup>
- There were no reported violations of Santa Barbara Police Department Policy §707 – Governing Body Specific Equipment.<sup>4</sup>
- Costs associated with this equipment are outlined in Lexipol Policy §707- Governing Body Specific Equipment, within the “SBPD Military Equipment Inventory,” and incorporated here by reference.<sup>5</sup>
- Quantities of this equipment are outlined in Lexipol Policy §707- Governing Body Specific Equipment, within the “SBPD Military Equipment Inventory,” and incorporated here by reference.<sup>6</sup>

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<sup>3</sup> Government Code §7072(a)(2)

<sup>4</sup> Government Code §7072(a)(3)

<sup>5</sup> Government Code §7072(a)(4)

<sup>6</sup> Government Code §7072(a)(5)

- The Santa Barbara Police Department intends to acquire two (2) PepperBall Launchers to replace our two (2) current older models. <sup>7</sup>
- The Santa Barbara Police Department intends to acquire nine (9) 40 MM Launchers and one hundred and fifty (150) 40 MM Sponge Tip Rounds. The launchers will be deployed by both SWAT and Patrol personnel and will expand upon our current less lethal capabilities. <sup>7</sup>
- The Santa Barbara Police Department intends to maintain sufficient stock of certain military equipment to maintain training standards and operational readiness. The agency will routinely order replacement stock to maintain the levels of equipment enumerated in Lexipol Policy §707– Governing Body Specific Equipment, within the “SBPD Military Equipment Inventory.” <sup>7</sup>

X Charles Katsapis #3193

Charles Katsapis  
Commander

## Cal. Gov. Code § 7072

### Section 7072 - Annual military equipment report

**(a)** A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

- (1)** A summary of how the military equipment was used and the purpose of its use.
- (2)** A summary of any complaints or concerns received concerning the military equipment.
- (3)** The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (4)** The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (5)** The quantity possessed for each type of military equipment.
- (6)** If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

**(b)** Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

*Ca. Gov. Code § 7072*

Added by Stats 2021 ch 406 (AB 481), s 2, eff. 1/1/2022.

## Governing Body Specific Equipment Approval

### 707.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of California Government Code defined military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

#### 707.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

**Governing body** – The elected or appointed body that oversees the Department.

**California Government Code defined Military equipment** – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

# Santa Barbara Police Department

Santa Barbara PD Policy Manual

## *Governing Body Specific Equipment Approval*

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### **707.2 POLICY**

It is the policy of the Santa Barbara Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

### **707.3 SPECIFIC EQUIPMENT COORDINATOR**

The Chief of Police should designate a member of this department to act as the specific equipment coordinator. The responsibilities of the specific equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as, or defined as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all \_ equipment defined as military per government code or requiring additional oversight by council direction, at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Santa Barbara Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
  1. Publicizing the details of the meeting.
  2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

### **707.4 MILITARY EQUIPMENT INVENTORY**

The following constitutes a list of qualifying equipment for the Department:

- (a) **Robot:** A remotely controlled unmanned machine that operates on the ground, which is utilized to enhance the safety of the community and officers.
- (b) **Armored Vehicles:** Commercially produced wheeled armored personnel vehicle utilized for law enforcement purposes.
- (c) **Mobile Incident Command Vehicle (MIC):** A vehicle used mobile office that provides shelter, access to Department computer and communication systems during extended events.

# Santa Barbara Police Department

Santa Barbara PD Policy Manual

## *Governing Body Specific Equipment Approval*

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- (d) **40 MM Launchers and Rounds:** 40MM Launchers are utilized by department personnel as a less lethal tool to launch impact rounds, and for delivery of chemical agents.
- (e) **Less Lethal Shotgun:** Less Lethal Shotgun is used to deploy the less lethal 12-gauge Safariland 3027 Drag-Stabilized round.
- (f) **Distraction Devices:** A device used to distract dangerous persons.
- (g) **Rifles:** Guns that are fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.
- (h) **Chemical Agents and Smoke Canisters:** Canisters that contain chemical agents that are released when deployed. The chemical agent "CS" is commonly referred to as tear gas. "OC" refers to oleoresin capsicum, commonly referred to as pepper spray.
- (i) **PepperBall Launcher:** A device that discharges irritant projectiles.
- (j) **Breaching Shotgun:** Firearm which is used to force entry into doors and other materials.

### **707.5 APPROVAL**

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

# Santa Barbara Police Department

Santa Barbara PD Policy Manual

## *Governing Body Specific Equipment Approval*

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### **707.6 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment used by any other jurisdiction that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

### **707.7 ANNUAL REPORT**

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

[See attachment: SBPD military equipment inventory 2022.pdf](#)

### **707.8 COMMUNITY ENGAGEMENT**

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.