

*Forward*  *Together*

An engagement initiative on policing in Modesto

**Work Group Meeting**  
**January 20, 2021**

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# WELCOME!

# Intentions for our time

- Get updates: Ad Hoc work
- Continue our education on accountability
- Align on next steps

# Approximate Session flow

5:30pm	Welcome and Opening
5:45pm	Panel Presentation
6:45pm	BREAK
6:50pm	Q&A
7:25pm	Public Comment
7:55pm	Next steps and Closing
8:00pm	Adjourn

# Updates

# Group Agreements

## How we will do our best work together

- Call each other “in”, not “out”
- Expect, and be in, discomfort
- Stay at the table
- Keep the end in mind - aligning on recommendations
- Keep disagreements productive
- Respect each other
- Stay open to other perspectives and opinions
- Do our work with transparency, openness, inclusivity
- Step up, Step back
- Be patient and flexible
- Make room for, and be curious about, other people and ideas

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**Exploring**

**Accountability**

for police conduct, decisions, and how they impact the Modesto community

**Panel**

# Sonoma County IOLERO Origins & Reform

**Jerry Threet**

Former Director (Ret.), Sonoma  
County

INDEPENDENT OFFICE OF LAW ENFORCEMENT REVIEW  
& OUTREACH

# Sonoma County History

- Civil Rights Commission - 2000
- Andy Lopez Shooting October 22, 2013
  - Followed history of disparate treatment
  - Civil Unrest – Southwest Santa Rosa Community
- Community & Local Law Enforcement (CALLE) Task Force (12/13 – 5/15)
- CALLE Report to Board of Supervisors 5/15
  - Auditor/Review Model with CAC
- Established March 2016

# IOLERO 1 MODEL: Audit of Investigations

A Primary Mission defined by IOLERO Ordinance

ALL investigations of complaints filed with IOLERO

Audit All Investigations of Certain Types

- Use of Force
- Bias in Policing & Corrections
- Constitutional violations

# IOLERO 1 MODEL: Other Missions

Conduct robust **outreach** to Sonoma County communities;

Propose thoughtful **policy recommendations** to the Sheriff's Office; and

To **strengthen the relationship** between the Sonoma County Sheriff's Office and the community it serves.

# Criteria for Effective Oversight

## Independence

- Director served at pleasure of Board of Supervisors

## Adequate budget and staff

- IOLERO:
  - **2 employees**
- SCSO:
  - 625 employees
- IOLERO
  - **\$650K**
- SCSO:
  - **\$1.7M**

## Unfettered access to information & staff

- **Discretionary** with Sheriff

# Criteria for Effective Oversight

## Adequate legal authority

- Ordinance **restricted** authority

## Ability to review & suggest changes to policy

- **Disputed scope** of authority re systemic reviews

## Effective community engagement

- **Underfunding** restricted engagement

## Robust transparency

- **Disputed** authority to publish reports

# Measure P – Evelyn Cheatham Ordinance

First Proposed in IOLERO 2017-18 Annual report in December 2018.

Supervisors promised to hold hearings, did nothing

Ballot Measure filed 12/19, signature gathering 1/20

- Pandemic halted effort after several thousand signed

BLM Protests Summer 2020

Board placed on ballot in August 2020

# Measure P – What does it do?

- Independent investigations of Critical Incidents
- Subpoena power
- Systemic audits of policies, practices, training
- Mandated cooperation from Sheriff, not voluntary
- Unfettered access to all info, records, staff
- Budget benchmark = 1% of Sheriff Budget

# Measure P – What does it do?

- Analysis of racial bias in deputy stops
- Review of merit of all civil lawsuits against Sheriff
- Director recommends discipline for deputies found to have committed misconduct
- Director reviews all BWC for UOF and can publish
- Director 3-year Appointment = 4/5 removal for cause

# ELECTION OUTCOME

- **Countywide results: LANDSLIDE - 65%**
  - As high as 80% in some areas
  - Won in almost every geographic area
- **Union filed challenge in State Public Employee Relations Board**
- **County moved forward with implementation efforts**

# Current Status - LIMBO

- PERB Decision – Failure to meet & confer invalidated measure
  - Including provisions authorized under state law, such as subpoena power
  - IOLERO's new advisory powers impact "working conditions"
  - PERB decision contradicted by appellate court precedent
- CLEAN and community sought appeal by BOS – successful
- Currently briefing issues before Court of Appeals
- CLEAN will intervene with a friend of court brief, represented by the ACLU of Northern California

# Contact information

- Law Office of Jerry Threet
- 707-787-7675
- [jerrythreet@earthlink.net](mailto:jerrythreet@earthlink.net)



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# The Community Police Review Commission

- One of 15 Riverside City Boards & Commissions
- Established on April 11, 2000
- Riverside Municipal Code Chapter 2.76
- Section 810 of the Riverside City Charter

On December 28, 1998,  
Tyisha Miller, a 19-year-old African-American woman,  
was shot and killed by four City of Riverside police  
officers  
when she had reached for the gun in her lap.

In the aftermath of this incident,  
RPD worked with the State Attorney General's Office  
to bring about the stipulated changes.

This incident also resulted in the  
Riverside City Council's creation of the  
Community Police Review Commission.

**Police oversight approved:  
Riverside panel of citizens to get  
subpoena power**

The Press-Enterprise (Riverside, CA)  
Wednesday, April 5, 2000

**...mats also may**  
The Press-Enterprise (Riverside,  
Wednesday, January 26, 2000

On April 11, 2000,  
the Riverside City Council unanimously  
approved Ordinance No. 6516, which  
amended the Riverside Municipal Code  
by adding Chapter 2.76, titled  
Community Police Review Commission  
Ordinance

On November 2, 2004,  
60% of Riverside's voters said  
"Yes" to Measure II.

This vote by the citizens of Riverside put  
the Commission in the City Charter.

Only a vote by the citizens can change this.

	II - CITY OF RIVERSIDE-CHARTER AMENDMENT	
	Yes	No
Precinct Totals	27571	18240
Absentee Totals	13185	9200
Grand Totals	40756	27440

## The Commission's Mission

To promote public confidence  
in the professionalism and  
accountability of the sworn staff  
of the  
Riverside Police Department.

# The Commission's Purpose

By ordinance, the purpose of the Community Police Review Commission (CPRC) is:

- to promote effective, efficient, trustworthy, and just law enforcement in the City of Riverside;
- to bring its findings and recommendations regarding law enforcement policies and practices to the attention of the City;
- to ensure good relations between those who enforce the laws and the diverse populace whom they serve.

## Four Components of the Commission

- **Review all citizen complaints** filed against a sworn member of the Police Department. Only cases filed within 6-months of the date of the incident.
- **Review and investigate the death of any individual** arising out of or in connection with the actions of a police officer.
- To conduct **public outreach** and educate the community as to the role and responsibilities of the CPRC.
- **Training** – the Department Policy Manual; how to conduct case reviews; case law; how to apply findings, etc.

# The Commission's Duties, Powers, & Functions

By ordinance, the duties, powers, and functions of the Community Police Review Commission are:

- to advise the Mayor and City Council on all police / community relations issues.
- to conduct public outreach to educate the community on the purpose of the Commission.
- to receive complaints of misconduct against sworn employees of RPD that are filed within six (6) months of the date of the alleged misconduct.

## Duties, Powers, & Functions - continued

- to review and investigate the death of any individual arising out of or in connection with the actions of a sworn police officer.
- to conduct a hearing on filed complaints or Commission initiated investigations when such hearing, at the discretion of the Commission, will facilitate the fact finding process.
- to the extent permissible by law, exercise the power of subpoena.
- to make findings concerning allegations in the filed complaint to the City Manager and the Police Chief.
- to review and advise the Police Department in matters pertaining to police policies and practices.

# The Commission's Structure

- Commissioners are nine residents representing all wards of the City of Riverside.
- Commissioners are appointed by the City Council and can serve no more than two consecutive four-year terms.
- Terms are staggered so that the terms for three Commissioners expire during the same year.
- The Commission elects a Chair and Vice-Chair annually.
- Commissioners receive no financial compensation.
- The City funds two paid Staff: the CPRC Manager and Administrative Assistant.
- The CPRC Manager will appoint an Independent Investigator to conduct a review of RPD investigations, contact additional witnesses, and photograph pertinent scenes as deemed necessary.

# Findings

- **OIDs**
  - Within Policy
  - Not Within Policy
- **Complaints**
  - UNFOUNDED
    - The alleged act did not occur.
  - EXONERATED
    - The alleged act occurred, but was justified, legal, and proper.
  - NOT SUSTAINED
    - The investigation produced insufficient evidence to prove or disprove the allegation.
  - SUSTAINED
    - The Department member committed all or part of the alleged acts of misconduct or poor service.
  - INQUIRY
    - During the process of the investigation, it was determined that the member of the public was requesting clarification of a policy or procedure.
  - INCOMPLETE
    - Complaining party either refuses to cooperate or becomes unavailable.
  - FRIVOLOUS
    - Complaints that are totally without merit, or which are made for the sole purpose of harassing a police employee.
  - PREVIOUS ADMINISTRATIVE REVIEW
  - OTHER JUDICIAL REVIEW



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*City of*  
**SACRAMENTO**  
Office of Public Safety Accountability

**Dr. Latesha Watson, Director**

# THE OFFICE OF PUBLIC SAFETY ACCOUNTABILITY (OPSA)

The Mission of the Office of Public Safety Accountability is to improve the relationship between the City's public safety departments and the community they protect and serve.

We promote trust, excellence, transparency and accountability through independent and impartial oversight of complaints related to public safety employee misconduct.

# THE OFFICE OF PUBLIC SAFETY ACCOUNTABILITY (OPSA)

## 2.22.030 Duties and functions of office.

The Office shall:

- A. Audit all complaint investigations of the police department and fire department, as the director deems necessary.
- B. Monitor all complaint investigations conducted by the police department and fire department.
- C. Request the police department and fire department perform further investigation in those complaint cases that require additional investigation as determined by the director.
- D. Receive all documents, reports, or any other item necessary to monitor or audit a complaint investigation.
- E. Assist the city council, or any duly appointed committee of the council, in performing its investigative functions under section 34 of the charter.
- F. As needed, request the city council, or any duly appointed committee of the council, to issue subpoenas as provided in section 34 of the charter. The city council may, by resolution, establish the procedures for the request, issuance, and service of those subpoenas.
- G. Perform such other inquiries and investigations as prescribed by council resolution.
- H. Accept and document complaints directly from citizens as an alternative procedure for citizen complaints concerning public safety personnel, using a complaint form distinct from that used by the police department or fire department. All such complaints shall be promptly forwarded to the respective public safety department for investigation.
- I. Provide complainants with timely updates on the status of investigations, excluding disclosure of any information that is confidential or legally protected.
- J. Explain how the complaint process works to all complainants.

# THE OFFICE OF PUBLIC SAFETY ACCOUNTABILITY (OPSA)

- City of Sacramento Oversight Entities:
    - Office of Public Safety Accountability
    - Sacramento Community Police Review Commission
  - Hybrid Oversight Model
    - Review-focused: review internal investigations and auditing policy compliance
    - Investigation-focused: independent investigative agency (i.e. creation of Inspector General)
- Senate Bill 1421 (S.B. 1421)

The California Public Records Act is a state law requiring agencies to make public records available for inspection, subject to certain exceptions.

In 2019, Senate Bill 1421 (S.B. 1421) changed California public records law by making thousands of previously confidential police misconduct investigation records subject to disclosure. The newly disclosable records fall under four categories of cases and allegations:

- i) Officer-involved shootings
- ii) Officer use-of-force resulting in death or great bodily injury
- iii) Proven allegations of sexual assault of member of the public
- iv) Proven allegations of dishonesty in reporting, investigating, or prosecuting crimes and officer misconduct investigations

# SACRAMENTO COMMUNITY POLICE REVIEW COMMISSION

## Creation:

- Established November 2016 (City Code §2.110.010)
- First meeting held August 2017

## Purpose:

- Venue for community participation in reviewing police department policies, practices, and procedures
- Monitor implementation, evaluation, and sustainability of city policing initiatives and programs.

## Responsibilities:

- Hold public meetings, in accordance with the Ralph M. Brown Act
- Discuss SPD policies, procedures, and practices
- Advise and make recommendations to public, City Council, and City Manager when necessary.

# WHAT IS THE OFFICE OF PUBLIC SAFETY ACCOUNTABILITY?

## Office of Public Safety Accountability (OPSA)

- Established by Mayor and City Council in 1999.
- Adds an independent layer of oversight review to Sacramento Police Department (SPD) and Sacramento Fire Department (SFD) complaint and critical incident investigations.

## Main responsibilities:

- Receive complaints from members of the public against Sacramento Police (SPD) or Fire Department (SFD) employees.
- Make sure that SPD and SFD investigates those complaints thoroughly and fairly.
- Recommend improvements to SPD and SFD policies and procedures.
- Respond to and monitor critical incidents.
- Staff the Sacramento Community Police Review Commission.

## OSPA is involved in the investigative phases in real time.

- Responds to the critical incident scene.
- Monitors interviews of involved officers and witnesses.
- Bi-weekly meetings with Internal Affairs.

## Community Liaison

- Specific questions and concerns of the community are heard and brought forward to SPD during the investigative process.

# IS OPSA PART OF THE POLICE DEPARTMENT? WHY SHOULD I TRUST OPSA?

- No. OPSA is not part of the police department.
- The OPSA Director answers to the Mayor and City Council.
- The Chief of Police answers to the City Manager.
- OPSA is an independent office and free to agree or disagree with the decisions of SPD.

OPSA helps keep SPD and SFD accountable to the communities they serve by reviewing the investigations into claims of police or fire employee(s) misconduct to ensure that those investigations are fair and thorough. The work of OPSA has resulted in improved department policies and increased transparency.

# HOW CAN COMPLAINTS BE FILED?

Methods:

- Email
- Mail
- Telephone
- OPSA Website
- In Person

Complaints are asked to provide as much information as possible regarding the incident, including:

1. Contact information: Name, Address, Phone Number(s).
2. Incident information: Date, Time, Location.
3. Employee(s) involved: Name and Badge Number, if possible, or Physical Description.
4. Unit involved: Fire Company, Fire Station, and/or Fire Vehicle, if possible.
5. Description of the incident: Please provide as much detail as possible.
6. Witness information: Name, Address, Phone Number(s) of any witnesses to the incident.

# WHAT HAPPENS AFTER A COMPLAINT IS FILED WITH OPSA?

When OPSA receives a complaint, the complaint is reviewed by the Director or OPSA team member and then forwarded to Internal Affairs Division (IAD) of SPD or to the Professional Standards Unit (PSU) of SFD for a preliminary investigation. IAD or PSU reviews and categorizes the complaint. Sometimes a complaint can be resolved after speaking to the complainant. In other instances, an investigation is conducted. IAD or PSU has one year to complete that investigation.

OPSA reviews completed investigations for the final disposition as recommended by the Police or Fire Chief.

IAD or PSU notifies the complainant(s) of the case disposition(s). Throughout this process OPSA is available to the complainant to provide information and answer questions excluding disclosure of any confidential or legally protected information.

# CRITICAL INCIDENT RESPONSE

- Notification
  - Critical Incident Call-Out
- Response
  - Scene of the Incident
  - Headquarters
    - Monitor Interviews
      - Ask Additional Questions When Necessary
- Engagement
  - Provide an Outlet for Community Concerns
  - Organize Community Meetings
  - Family Video Review

## QUESTIONS/COMMENTS?

The Office of Public Safety Accountability is located at:

915 I Street  
Historic City Hall, 3rd Floor  
Sacramento, CA 95814

(916) 808-7525

[www.cityofsacramento.org/opsa](http://www.cityofsacramento.org/opsa)



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# Anaheim Police Department: Overview

Chief of Police Jorge Cisneros

# WHAT WE BELIEVE

We understand effective policing requires the trust and partnership of the community we serve and transparency plays a critical role in maintaining that relationship.

## HOW WE PERFORM

We strive to be self-critical and invite community dialogue

Police Review Board (*PRB*)

Office of Independent Review (*OIR*)

Major Incident Review Team (*MIRT*)

Chief's Advisory Board (*CAB*)

Data Release Unit to address AB748 and SB1421

Critical incident community briefing videos

Community meetings after a critical incident

National accreditation through CALEA (*In Progress*)

# Office of Independent Review



## OIR Group

- **What:** Los Angeles-based law enforcement consultant to cities, public safety agencies and others
- **Who:** Led by Michael Gennaco, former chief attorney of the Office of Independent Review for Los Angeles County and former chief of the Civil Rights Section at the U.S. Attorney's Office for the Central District of California
- **Services:** reviews of public safety agencies, critical incident reviews and analyses, complaints and internal investigations, policy assessment, evaluation and conducting of training
- **Work with Anaheim:** the city has contracted with OIR Group since 2007
- **Scope of Anaheim work:**
  - Serves as police practices adviser to the city, its Police Review Board and prior Public Safety Board
  - Responds to the scene of all officer-involved shootings and in-custody deaths and advises during investigations
  - Reviews lethal force and in-custody death cases
  - Reviews bias-based policing complaints
  - Reviews administrative investigations of sergeants or higher
  - Advises the city on investigations and outcomes

Anaheim.net/PRB

winter 2019-2020

OIR GROUP

HOME OUR TEAM SERVICES PROJECTS TRAINING CONTACT

OIR Group's team is made up of professionals committed to effective police oversight with the expertise needed to tackle the most difficult challenges.

### MICHAEL GENNACO

Contact Mr. Gennaco: [michael.gennaco@oirgroup.com](mailto:michael.gennaco@oirgroup.com)

Michael Gennaco is a nationally recognized expert on law enforcement reform and accountability systems. He was the Chief Attorney of the Office of Independent Review for Los Angeles County and is a founding Principal of OIR Group. Mike has performed a number of monitoring tasks, audits and reviews for a federal judge, special masters, and other governmental entities. [read more](#)

### STEPHEN CONNOLLY

Contact Mr. Connolly: [stephen.connolly@oirgroup.com](mailto:stephen.connolly@oirgroup.com)

Stephen Connolly has been a Principal with OIR Group since 2001 and was an original member of the Los Angeles County Office of Independent Review. More recently, he served as the first Executive Director for the Orange County Office of Independent Review, which was formed in 2008 to monitor the third largest Sheriff's Department in California. Prior to his work with OIR, Steve worked in private practice... [read more](#)

City of Anaheim

## INDEPENDENT REVIEW OF MAJOR INCIDENT, USE OF FORCE, AND INTERNAL AFFAIRS INVESTIGATIONS

June 2021

OIR GROUP

Michael Gennaco  
Stephen Connolly  
Julie Ruhlin

# Police Review Board

## CITY OF ANAHEIM POLICE REVIEW BOARD

### What is it?

Police oversight board made up of Anaheim residents who advise and make policy recommendations to the city manager

### What does it do?

#### Receive

- Real-time input on major police incidents, access to officer-involved shooting scenes
- Private briefings on major incidents
- Community concerns and complaints

#### Review

- Anaheim Police Department responses to policy recommendations
- Current and proposed police policies

#### Report

- Statistics on officer-involved shootings, uses of force, complaints
- Recommendations via annual report

City Hall Online Services Our Community Businesses I Want To...

ANAHEIM POLICE REVIEW Board

**APPLY NOW!** DISTRICT 2 VACANCY

We're looking to fill the District 2 seat on the Police Review Board following an unexpected vacancy. Applications will be reviewed on Dec. 1 but will remain open until further notice.

The person appointed will serve the remainder of the current term through June 30, 2022.

[Click here](#) to apply now.

**NEXT MEETING: JAN. 27**  
6 P.M. — ALL ARE WELCOME TO PARTICIPATE  
GORDONT HOYT CONFERENCE CENTER  
201 S. ANAHEIM BLVD. 2ND FLOOR

## ANAHEIM FactSheet

### Police Review Board

- **What:** Anaheim's new civilian oversight board for the city's police department
- **Role:** advise and make police policy recommendations to the city manager with support from Los Angeles-based OIR Group, Anaheim's external police auditor
  - ▶ See *OIR Group* below
- **Board history:** The Police Review Board is an enhanced expansion of Anaheim's Public Safety Board
  - ▶ See *Public Safety Board* below
- **Board Responsibilities:**
  - Real-time notification of and access to the locations of officer-involved shootings
  - Private briefings on major incidents, including access to body-worn camera footage
  - Publish statistics on officer-involved shootings, uses of force, complaints and outcomes
  - Receive community complaints and concerns and refer them to Anaheim's city manager, Anaheim Police, or OIR Group for review and response
  - Consider and approve policy recommendations made by OIR Group
  - Vote on and offer findings on Anaheim Police Department responses to OIR Group recommendations
  - Review some police policy recommendations prior to adoption
  - Hear about police training and practices
  - Audit existing police policies
  - Produce a publicly available annual report
- **Board members:** seven Anaheim residents selected by lottery from each of the city's six districts plus one member selected from the city at large
  - **District 1:** Randall Brown
  - **District 2:** Phillip Wolfgramm
  - **District 3:** Diana VanKirk
  - **District 4:** Ryan Wagner
  - **District 5:** Leon Cisneros
  - **District 6:** Mayra Gomez
  - **At large:** Vacant

# MAJOR INCIDENT REVIEW TEAM

Forward looking process:

- ✓ Tactics
- ✓ Training
- ✓ Equipment
- ✓ Command and Control
- ✓ Communication
- ✓ Community Post-Incident Recovery

# Chief's Advisory Board

- Diverse group of community members
- Provides the advice and counsel regarding issues that impact the safety and quality of life of Anaheim
  - Current events
  - Budget
  - Strategies
- Works together to further the goals and initiatives of the Anaheim Police Department

# Our Focus is Inclusion

In addition, the Police Review Board:

- ✓ Responds to critical incidents (OIS)
- ✓ Participates in officer hiring panels & internal promotions
- ✓ Attends critical incident community briefings
- ✓ Receives ongoing specialized training (including NACOLE)
- ✓ Participates in ride-a-longs/PD tours/dispatch sit-a-longs

## Police Chief Jorge Cisneros

Reform and Service Improvement is not new for the Anaheim Police Department.

For many years, APD has been on the forefront of enhancing and improving systems and service to better serve our community.

Through the ongoing engagement and input from our community; following best practices; changes in state and federal laws; the pending implementation of CALEA; and recommendations from OIR; we continue to grow, evolve, and improve.



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# Break

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## Exploring **Accountability**

for police conduct, decisions, and how they impact the Modesto community

# Q&A

# Ad Hoc Updates

- Policies and Procedures
- Alternative Response Models
- Ad Hoc Meeting Transparency

# Public Comment

# Closing session

- Work group members, please consider doing a ride-along with the Modesto Police Department
  - You can contact Ruth Baca at [BacaR@modestopd.com](mailto:BacaR@modestopd.com).
  - We will also arrange for you to experience the Forced Option Simulator (FOS). Stay tuned.
- Final thoughts and reflections

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**Thank you**