

Forward *Together*

An engagement initiative on policing in Modesto

Accountability Workshop **September 29, 2022**

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Workshop Presentation Outline in Brief

Purpose

Provide information about Community Oversight Boards (COB) and Independent Police Auditors (IPA) so that Council provide feedback on the concepts of the city's COB and IPA for further development and subsequent Council approval

Goals

Learn about the purpose of a COB, compare COB models, and what they do
Learn about the purpose of an IPA, compare IPA models, and what the do
Participate in a brainstorming activity on considerations for a COB and IPA

Next Steps

Following this workshop staff will bring an item to Council on December 13, 2022, regarding information on COB and IPA and will seek council approval to begin the COB and RFP process for an IPA.



Timeline to Date

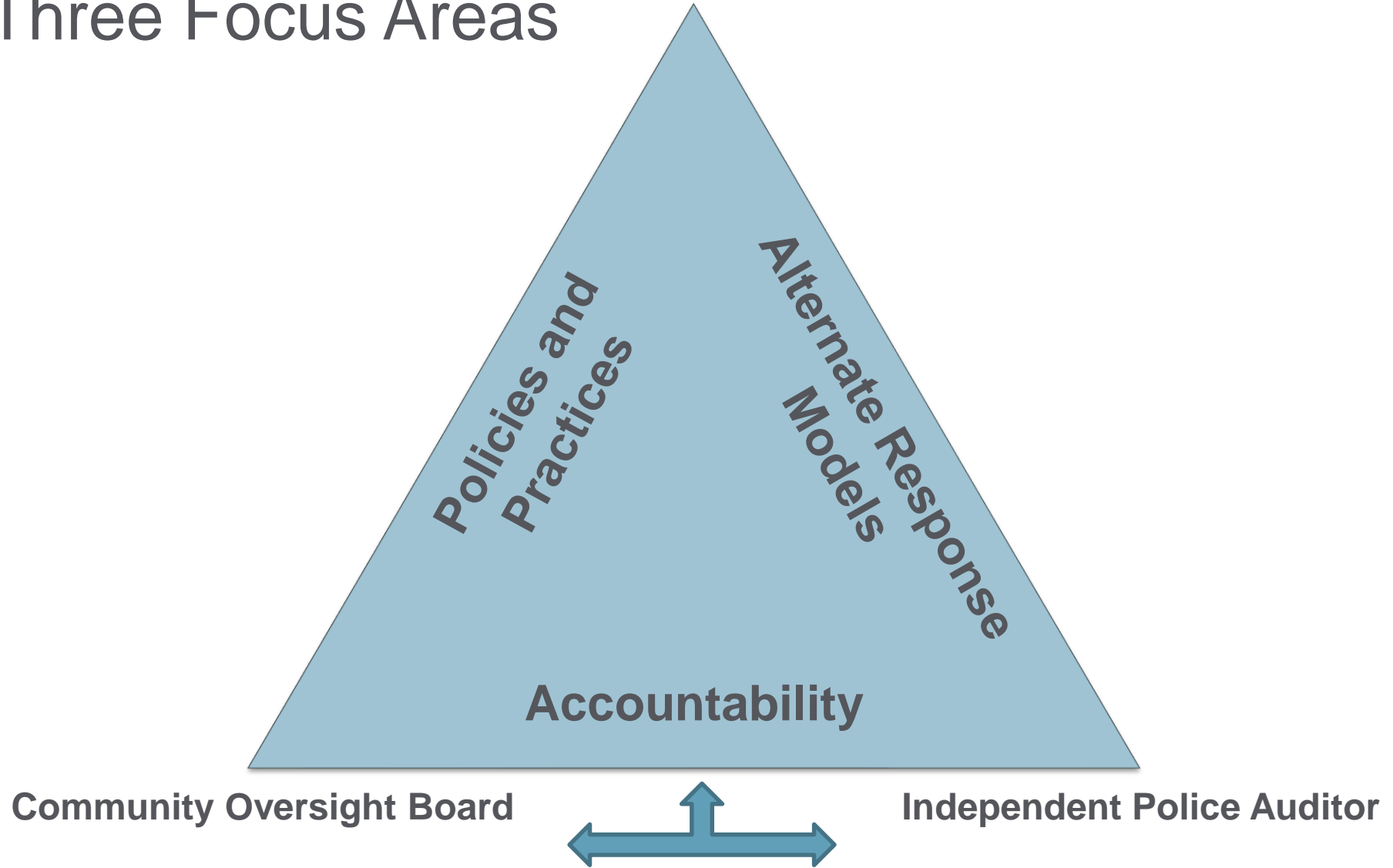
- **May 2021** - Forward Together Listening Session
- **June 8, 2021** - Forward Together Established by Council
- **July 20, 2021**- First Working Group Meeting
- **June 15, 2022** - Final Working Group Meeting
- **May 2022- July 2022** - Public Presentations
- **August 11, 2022** - Council Workshop
- **August 23, 2022** – Council Accepted Forward Together Report



Summary of Recommendations

- 1) **Policies and Practices** – that support safety, fairness and equity throughout the department and the community
- 2) **Alternate Response Models** - that ensure the right type of response and resources are applied to a situation
- 3) **Accountability** – for police conduct, decisions and how they impact the Modesto community.

Three Focus Areas



Accountability Models

- **Review Focused Model-** Relies primarily on a COB
- **Auditor Focused Model-** Employs a professional auditor to oversee department led investigations
- **Investigation Focused Model-** Conducts wholly independent investigations
- **Hybrid Model-** Combines features of different model types

Forward Together Recommends - Hybrid Model Accountability

Community Oversight Board



Independent Police Auditor

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Community Oversight Board Overview

What is it?

A Community Oversight Board (COB) is made up of trained and educated residents who advise and make police policy recommendations to the City Manager and Police Department for consideration.



Community Oversight Board Overview

Tell me more . . .

A Community Oversight Board (COB) is the generic name for the “civilian oversight” group and the acceptable term recognized by the National Association of Civilian Oversight of Law Enforcement (established 1995).

Synonymous names for a COB examples include:

Police Review Board (Anaheim, CA)	Community Police Review Board (Albany, NY)
Community Review Board (San Diego, CA)	Community Police Review Commission (Sacramento, CA)
Citizen Review Board (Atlanta, GA)	Police Civilian Review Panel (Fairfax, VA)
Independent Citizen Review Board (Pittsburgh, PA)	Community and Police Relations Commission (National City, CA)
St. Louis City Civilian Oversight Board (St. Louis, MO)	Citizens Law Enforcement Review Board (San Diego County, CA)



Community Oversight Board Overview

What might the **mission** of the COB look like?

- Propose meaningful and practical recommendations to City Manager and MPD
- Work to engage and conduct outreach to the public providing education about the roles of the COB
- Strengthen and build trust from the public and MPD
- Lead the effort to strong relationships between MPD and the community it serves



Community Oversight Board Overview

What might the **goals** of the COB look like?

- Define clear objectives in **alignment** with Forward Together recommendations
- Provide **transparency** and improve confidence among the police and the public
- Improve the public's understanding of police policy, training, and practices through **outreach and education**
- Ability to make **recommendations** to City Manager and MPD



Community Oversight Board Overview

What does it do?

RECEIVE	REVIEW	REPORT
<ul style="list-style-type: none"> - Real time input on major Police incidents - Access to officer involved shooting scenes - Private briefings on major incidents - Community concerns and complaints - Access to body camera footage 	<ul style="list-style-type: none"> - Findings on Police Department responses to policy recommendations - Current Police policies - Proposed Police policies - Police training and practices - Some Police policies prior to implementation - Policy recommendations made by independent auditor - Review Citizen Complaints 	<ul style="list-style-type: none"> - Statistics on officer involved shootings and use of force - Complaints - Recommendations via an Annual Report - Community outreach efforts on the role and responsibilities of the COB



Community Oversight Board Overview

Roles and Responsibilities

<p>City of Sacramento (Community Police Review Commission) 12 Members</p>	<p>City of Riverside (Community Police Review Commission) 9 Members</p>	<p>County of Sonoma (Independent Office of Law Enforcement Review and Outreach Community Advisory Council) 9 to 11 members</p>	<p>City of Anaheim (Police Review Board) 9 Members</p>
<ul style="list-style-type: none"> • Established 2016 • Advisory Focus • Term: 4 years • No Budget; Stipend • Monthly Meetings • Review quarterly reports prepared by the office of public safety accountability • Advise and make recommendations to the city council regarding police policy, procedures, and best practices, including those related to community relations, hiring, and training best practices. 	<ul style="list-style-type: none"> • Established 2000 • Investigation Focus • Term: 4 years • \$202,135 Annual Budget • Monthly Meetings • Receive, review and investigate allegations of misconduct. • Recommend changes in departmental policy, on-going public outreach and, when deemed appropriate by the Commission or Manager, and conduct an independent investigation of citizen complaints. 	<ul style="list-style-type: none"> • Established 2016 • Advisory Focus • Term: 1 year (no limits) • No Budget; reimbursements • Monthly Meetings/ Brown Act • Serve as a bridge between law enforcement, IOLERO and various communities of the County • Recommends possible changes to policies 	<ul style="list-style-type: none"> • Established 2014 (pilot) • Advisory Focus • Monthly Meetings/ No Brown Act • Make policy recommendations to city manager with support from IPA. • Access to real time information and real time shootings • Requests training topics • Proactively review policies and provide insight to PD



Community Oversight Board Overview

How might it be established? (examples)

By Ordinance

Ballot Measure

City Manager

Council
Resolution



Community Oversight Board Overview

How are COB meetings typically managed?

Agendas,
Minutes,
Reports

Public
Meetings



Community Oversight Board Overview

Who could be on the board?

Member at Large

Diverse
Stakeholder
Group
Representatives

Law
Enforcement
Background

Professional
Legal
Experience

Original Forward
Together
Workgroup
Participant

Representatives
from each
District



Community Oversight Board Overview

How might our residents be eligible?

Modesto Resident

Background Check

Attend Mandatory
Information
Sessions

Complete
Application

Stakeholder or
Public Engagement
Experience

Not a current law
enforcement officer
or city employee (or
affiliate association)



Community Oversight Board Overview

How might qualified members be selected?

Depending on the makeup of the board

Council
Appointed

Appointments
Committee

Combination

Candidate
Interviews &
Rubric



Community Oversight Board Overview

What kind of training could participants receive?

Onboarding	Case Law	Dispatch Sit-Along
Ethics & Diversity	First and Fourth Amendment	Brown Act and Public Records Law
Police Ride along	Penal Codes	Local Government and Community expectations of COB
Roberts Rules	Police interactions and other simulation training	Peace Officers Bill of Rights
Force Simulator	Mediation of Complaints	Investigations Policies/ Legal
National Association for Civilian Oversight of Law Enforcement (NACOLE)	Compliance with state and federal laws regarding confidentiality	Current Modesto Police Department Policies and Procedures



Community Oversight Board Overview

Examples of resources needed to support a COB

Support Staff

Support from
Independent
Auditor

Conferences &
Training

MPD Education
and Training



Independent Police Auditor

What is it?

Contracted to perform independent legal reviews of public safety agencies, critical incident reviews and analyses, complaints and internal investigations, policy assessment, evaluation and conducting of training

Independent Police Auditor

What might they do?

Serves as Police Practices Advisor to City and COB

Responds to Scenes of Officer Involved Shootings and in Custody Deaths

Reviews Lethal Force and in Custody Death Cases

Reviews Bias-Based Policing Complaints and Constitutional Violations

Reviews Admin Investigations of Sergeants and Higher

Advises the City on Investigations and Outcomes



Independent Police Auditor

How might it be established?

COB Input

Interview

RFP

Council Resolution

Professional Services

Combination



Independent Police Auditor

Scope of Work (Examples)

City of San Jose (Staff Auditor)	City of Palo Alto (IPA)	City of Anaheim (IPA)	Common Elements
<ul style="list-style-type: none"> Take in complaints from members of the public about San José police officers, auditing misconduct investigations, preparing annual public reports, making recommendations to improve SJPD policies, participating in the Department's review of officer-involved shooting incidents, and conducting community outreach and engagement. 	<ul style="list-style-type: none"> Taser Deployment Annual Report Receive, investigate, and evaluate complaints from the public Independent review of internal affairs investigations 	<ul style="list-style-type: none"> Review critical incidents, receive real-time notifications of major incidents, review police practices and policies Serve as an advisory body to the City Manager who may make recommendations to the Chief of Police and the City Council 	<ul style="list-style-type: none"> Annual Report Meeting with City Council Oversight of Implementation of a new policy/ procedure Conduct Outreach and Engagement May receive and review complaints from the public



Independent Police Auditor

What is the cost of having an Independent Auditor?

City of
Anaheim

\$107,000/
year

City of
Palo Alto

\$75,000/
year for 3
years

City of
San Jose*

\$1.5M

*In-house staff auditor

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What's Best for Modesto?

- **Community Oversight Board Considerations**
- **Independent Police Auditor Considerations**



Council Considerations - COB

Community Oversight Board	Anaheim	Additional Feedback
Qualifiers to Apply	<p><u>4 Qualifications:</u> 1) Residency in the district members are representing; 2) Residency in Anaheim for at-large member; 3) Background check; 4) Must sign confidentiality agreement</p>	
Group Size	Nine-Member Community Advisory Board by district, and one at-large	
Board Makeup	Chair and members are from each district	
Term Limits	2-years (up to 2 terms)	
Meeting Frequency	Monthly	
Board Type	Volunteer board	
Training Resources	PD Training, NACOLE Training	
Establishment and Selection of COB	City Manager's Office	



Council Considerations - COB

Community Oversight Board	Anaheim	Additional Feedback
Role	Advise and make police policy recommendations to the city manager with support from Los Angeles-based OIR Group, Anaheim’s external police auditor	
Responsibilities	<ul style="list-style-type: none"> o Real-time notification of and access to the locations of officer-involved shootings o Private briefings on major incidents, including access to body-worn camera footage o Publish statistics on officer-involved shootings, uses of force, complaints and outcomes o Receive community complaints and concerns and refer them to Anaheim’s city manager, Anaheim Police, or OIR Group for review and response o Consider and approve policy recommendations made by OIR Group o Vote on and offer findings on Anaheim Police Department responses to OIR Group recommendations o Review some police policy recommendations prior to adoption o Hear about police training and practices o Audit existing police policies o Produce a publicly available annual report 	



Council Considerations - IPA

Independent Police Auditor	Anaheim	Additional Feedback
Services	Reviews of public safety agencies, critical incident reviews and analyses, complaints and internal investigations, policy assessment, evaluation and conducting of training	
Scope of Work	<ul style="list-style-type: none"> o Serves as police practices adviser to the city, its Police Review Board and prior Public Safety Board o Responds to the scene of all officer-involved shootings and in-custody deaths and advises during investigations o Reviews lethal force and in-custody death cases o Reviews bias-based policing complaints o Reviews administrative investigations of sergeants or higher o Advises the city on investigations and outcomes 	



Questions?