ATTACHMENT "4"

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TRAINING FOR POLICE OVERSIGHT COMMISSIONS

PREPARED FOR THE CITY OF PASADENA

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TRAINING FOR POLICE OVERSIGHT COMMISSIONS

On October 5, 2020, the Pasadena City Council (City Council) adopted Ordinance No. 7368, amending Pasadena Municipal Code, Title 2, to add a new Chapter 2.60, creating a Community Police Oversight Commission (Commission or Police Oversight Commission) and an Independent Police Auditor. The Commission will be comprised of 11 members appointed by the City Council and a resolution was to be adopted establishing a policy for appointment of Commission members.

On October 19, 2020, in discussing policy options in furtherance of the resolution, the City Council directed staff to prepare a report providing information from other cities regarding the criteria and process used for making commission appointments. In support of staff's response, Change Integration Consulting, LLC (Change Integration), conducted a survey of California jurisdictions, gathering information on approaches used in making appointments and selection criteria identified as contributing to the success of different commissions.

The City Council, during its meeting on November 16, 2020, considered information provided through the survey of California jurisdictions and other material submitted regarding the criteria and process for selecting commission members.¹ City Council directed staff to prepare a resolution establishing a process for appointment of members to the Police Oversight Commission and to consider approaches used by other localities in training commission members. In support of this direction to staff, Change Integration was further engaged to gather and summarize information on training approaches used in several other California cities that have police oversight commissions.

Change Integration initially relied on the survey previously produced of 17 California municipalities to identify those for follow-up contact regarding commission training. Focusing on small to mid-sized municipalities, primarily located in Southern California, and/or those with commission authority and structure similar to that of Pasadena's Police Oversight Commission, six cities were contacted for information regarding training protocols. Of those contacted, three

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http://ww2.cityofpasadena.net/councilagendas/2020%20Agendas/Nov_16_20/AR%209%20ATTA
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¹ See, Pasadena City Council, Special Meeting Agenda, November 16, 2020, Old Business, Item 9, Direct the Preparation of a Resolution Establishing the Process for Appointment of Members of the Police Oversight Commission, Staff Report, Attachment B - "A Survey of California Jurisdictions Using the Commission Model of Police Oversight, For the City of Pasadena": http://www2.cityofpasadone.pt/sourcil.goudog/2020/2046204774

responded: the cities of Anaheim, Long Beach, and Davis. A description of each city's approach to training is provided below, along with a summary of training recommendations and resources suggested by the National Association for Civilian Oversight of Law Enforcement (NACOLE) and others.

Pasadena Municipal Code, Chapter 2.60 Community Police Oversight Commission (Municipal Code), Section 2.60.040, addresses qualifications, orientation, and training for Commission members, and includes the provision that:

- "E. No later than 90 days after appointment, each member shall:
 - 1. Participate in a ride-along with the police department in a four-hour minimum shift; and
 - 2. Receive at least 30 hours of training in relevant subject matters facilitated by the police department on topics including, at a minimum, constitutional rights and civil liberties, fundamentals of procedure, evidence, and due process, procedural rights and confidentialities afforded to police officers by California law (including, but not limited to, Government Code Section 3300 *et seq.* and Penal Code Sections 832.7 and 832.8), police department operations, policies, practices, and procedures, and duties, responsibilities, procedures, and requirements associated with all ranks and assignments."

A. <u>City of Anaheim</u>

Anaheim's Police Review Board (PRB or Board) was created to replace the Public Safety Board and coordinates with Anaheim's Independent Auditor to provide oversight for the Anaheim Police Department. PRB members are selected by lottery, after an initial qualifications screening, from each of six City Council districts and one at large. The original group of PRB members underwent two days of orientation training in 2018, held on weekends once or twice a month, over three months time. The PRB did not hold its first public meeting in September 2018 until after the orientation was completed and a meeting calendar was established.

The orientation training focused on the role and duties of the PRB, relevant legal standards, Anaheim Police Department (APD) policies, and APD officer training. PRB members are provided a manual of Board operating procedures and, like the requirement for Pasadena Commission members, must sign a confidentiality agreement.²

² A copy of the confidentiality agreement is included in Appendix A.

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Examples of topics and activities included in the orientation training are:

- Use of force legal concepts
- Police Officers Bill of Rights, Force Science Analysis³, and Major Incident Review Team (MIRT)
- Tactics and scenario based training (including APD simulator training)
- Ride-alongs
- Oversight models and PRB scope, mission, and history⁴
- Meeting fundamentals

The training segment on meeting fundamentals reviewed rules of order, procedural elements such as the quorum requirement, duties of the chairperson, motions, and voting procedures.⁵ More recently, members of the PRB also have been instructed about handling members of the public who are disruptive during Board meetings, which apparently has been a challenge at times.

As turnover with Board members has occurred, orientation training has become less formal, with some members appointed since 2018 learning about topics previously covered during the orientation as they become relevant in light of issues under the PRB's consideration. Topics covered during regular public meetings in 2019 and 2020 included:

- School Lockdowns
- Use of Force Training and De-escalation Techniques
- Major Incident Review Team
- Duty to Intercede
- Community Outreach
- APD K-9
- Crime Statistics
- APD Update
- Independent Auditor/OIR Report
- Cops-4-Kids Youth Programs
- COVID-19 Response Plan
- Anaheim Detention Facility

³ The Anaheim City Manager's Office provided details concerning the PRB training program and noted that Anaheim would not include Force Science Analysis in later trainings.

⁴ The OIR Group has served as the Anaheim Independent Auditor since 2007 and assists with the PRB training, including on subjects such as oversight models and PRB duties. See OIR slide deck provided in Appendix A.

⁵ See presentation on meeting fundamentals attached in Appendix A.

COVID-19 restrictions have necessitated that training be held remotely during most of 2020 and arranging ride-alongs and simulator training also has been difficult.

B. <u>City of Long Beach</u>

The Long Beach Citizen Police Complaint Commission (CPCC) was established in 1990 and is comprised of 11 members, one from each City Council district and 2 at large. City Council recently directed that an assessment of the CPCC be conducted, to determine if changes need to be made to strengthen its authority or to make it more effective.

Once new CPCC members are approved by City Council, the City Clerk handles the on-boarding process, ensuring each member has completed mandatory ethics training and signed a copy of the ethics pledge and other paperwork, and administers the oath of office. Each CPCC member receives a manual that includes items such as:

- Meeting Schedule
- Commission Roster
- CPCC Charter
- CPCC By-Laws
- Policies and Procedures
- Public Safety Officer's Bill of Rights
- Parliamentary Procedures
- Charts and Maps (City organizational chart, Council districts, Senatorial districts, Congressional districts, State Assembly districts)
- Allegation and Ethnic Codes
- Findings and Dispositions
- Phonetic & Alpha Radio/CAD Codes
- Officer Involved Shooting Protocol

The Long Beach City Attorney provides a two or three-hour orientation in which the manual contents are reviewed and topics and activities such as the following are covered:

- Credibility Determinations and Case Scenarios
- CPCC Values to the Community and the City of Long Beach
- CPCC and IA Investigation Processes
- Public and Executive Sessions
- Tour of Council Chamber and Lounge
- Agenda Package

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- Annual Training and Special Meetings
- Annual Reports

CPCC members are expected to sign an acknowledgement they participated in the orientation process. A copy of the orientation check-list that includes a list of documents included in the CPCC manual, subjects covered during the in-person orientation training, the requisite orientation acknowledgement, and a list of other forms provided to new members is included in Attachment B.

C. <u>City of Davis</u>

Davis established its Police Accountability Commission (PAC) and clarified and expanded the pre-existing role of the Independent Auditor in 2018. The Independent Auditor is involved in training of the PAC members, as is the case in Anaheim.⁶

The Davis City Manager's Office observed that, since there is a range of understanding about policing issues among PAC members and they are volunteers with varying amounts of time available for training, a balance must be struck in the amount of time and resources to commit to the training process.⁷ It was noted that, while Davis values the perspective and input that PAC members can offer about policing, there is not an expectation of technical expertise, which is provided by the Independent Auditor.

The newly formed PAC was involved in designing its own training. The PAC asked that someone from the Davis Police Department (DPD or Department) review with the PAC the types of training DPD officers receive. The DPD Training Unit shared a 3 page list of topics and the Commission then highlighted those they wanted to learn more about and created a training schedule. Everyone involved with the training apparently agreed that it is important that the group learn about implicit bias and that individual Commission members participate in ride-alongs.

At least some of the training the PAC has experienced has been scenario-based. The following example was provided: The DPD had been criticized by some community members with regards to information released by the Department following a high-profile event and PAC members wanted to learn more about the public

⁶ As in Anaheim, the OIR Group serves as the Davis Independent Auditor.

⁷ There also was a comment that what takes place might more aptly be called "education" instead of "training," as the goal is to provide PAC members with basic information about policing, rather than a specific set of skills.

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communication process. During a training session, held remotely, PAC members were provided a hypothetical fact pattern with limited information available following a police incident. They divided into groups to discuss what information to release and when, whether the facts had been established or not, helping members understand the competing issues involved with the DPD public information function.

After experiencing and learning from the first round of PAC training, Davis now intends to set up an annual training calendar and is dividing training topics into three groups: (1) police activities, tactics, etc. (such as use of force); (2) legislation and policy (such as changes to the CA Penal Code regarding use of deadly force and resulting changes to DPD policies); and, (3) local issues such as homelessness and DPD outreach programs.⁸ The observation was made that some training subjects are more substantive and others more procedural, and oversight practitioners might need more of one or the other at different times. For example, it is important that PAC members appreciate their role, how it is similar to and different from the Independent Auditor's, and how each interface with each other and the DPD, before fully considering a specific police incident of concern to the community.

D. National Association for Civilian Oversight of Law Enforcement (NACOLE)

The National Association for Civilian Oversight of Law Enforcement (NACOLE) is a non-profit organization with the mission to create support for independent, civilian oversight entities that seek to make their local law enforcement agencies more transparent, accountable, and responsive to the communities they serve.⁹ NACOLE holds regional training events throughout the year and an annual conference that provides educational and networking opportunities for attendees. NACOLE also has published standards for oversight practitioners, including commission members, "so that they may acquire the understanding, knowledge, and skills necessary to perform responsibly"¹⁰ in their positions.

⁸ Davis finds that it is" good governance" to consider what is working well for the PAC and where changes are recommended, allowing the PAC to evolve over time. To that end, the PAC identified areas in its roles and responsibilities that might be modified to provide clarification and proposed adjustments such as the number of members and composition of the PAC. This is similar to the expectation that the Pasadena Police Oversight Commission consider in its annual report the effectiveness of the ordinance and whether changes to oversight are recommended. Municipal Code, Chapter 2.60, Section 3.

⁹ https://www.nacole.org/mission

¹⁰ "Recommended Training for Board and Commission Members":

https://www.nacole.org/recommended_training_for_board_and_commission_members

Oversight boards and commissions differ with respect to roles and authority and are comprised of individuals with a variety of backgrounds and a range of experiences relevant to the work. Thus, NACOLE recommends that there be a critical assessment of a commission's functions and individual member's skills and expertise when creating a training plan.

NACOLE's suggested training topics for boards and commissions include:

- A basic orientation to the oversight role and the police agency.
 - Approaches to civilian oversight and specifics of the model adopted in the enabling legislation.
 - The range of stakeholders involved with policing and oversight and commission outreach expectations.
 - Legal considerations concerning issues such as commission procedures, public records, public meetings, confidentiality, and peace officers' rights.
 - Steps in the criminal justice process.
 - The history of policing in the U.S. and the development of the local police agency.
 - Police agency organization, roles and responsibilities, communication system, training procedures, and rules of conduct for officers.
- An overview of relevant substantive topics such as the law and agency policy regarding:
 - Stops and detentions, traffic stop procedures, First Amendment activities, mental health crisis response, and use of force tactics, weapons, reporting, and review.
 - Biased based policing, implicit bias, and racial profiling.
 - The complaint and discipline process, mediation options, evaluating credibility, and assessing the quality of complaint investigations.

NACOLE's overview of suggested training for boards and commissions includes a list of training resources, along with suggested activities such as facility site visits and ride-alongs. An expanded list of training topics and resources, many of which would be relevant for the Police Oversight Commission, can be found in the recently published 2nd edition of the *Police Misconduct Complaint Investigations Manual.*¹¹ Finally, in a guidebook on steps to implementing police oversight, NACOLE compiled a number of resources that could be useful as Pasadena moves forward with the

¹¹ Attard, Barbara and Kathryn Olson. *Police Misconduct Complaint Investigations Manual*, 2nd ed. Routledge (2020); Chapter 7.

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Commission, including a sample pre- and post-test that can be adapted for the training approach ultimately adopted.¹²

E. <u>Conclusion</u>

The role and authority of police oversight commissions varies by locality and approaches to training also differ. Nonetheless, considerations to bear in mind as a training plan is formulated for the Police Oversight Commission include:

- In line with the role of acting as a "best-practices advisor" to the Commission, involve the Independent Auditor in developing the plan and executing training, while also giving Commission members an opportunity to weigh in on training topics and priorities.
- Design an annual schedule that includes orientation for new Commission members and regular in-service training (e.g., during the first 30 minutes of every Commission meeting or through weekend retreats) to cover specific topics, including those required to be addressed within 90 days of appointment, per Municipal Code, Section 2.60.040.E. The training plan and schedule should become part of the work plan and annual report addressed in Section 2.60.090.
- Create a basic information manual for new members and, as members are oriented to the work of the Commission, solicit feedback on other material that would be useful to include.
- Before addressing substantive police issues, focus on procedural matters, including: the role of the Commission, fundamentals of successful meetings, confidentiality and privacy issues, and how the Commission and Independent Auditor will interact with each other, the Pasadena Police Department, City Council, the City Manager's Office, and the public. This step should include development of Commission rules and regulations, per Municipal Code, Section 2.60.080.
- Include a review of the principles of procedural justice and legitimacy, both as they apply to policing and to oversight, including the work of the Police Oversight Commission.

¹² Buchner, Brian, Liana Perez, Cameron McEllhiney, and Eduardo I. Diaz, editors; "Guidebook for the Implementation of New or Revitalized Police Oversight":

https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1597686953/Gu idebook_for_the_Implementation_of_New_or_Revitalized_Police_Oversight_2016_FINAL.pdf?1597686 953

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Finally, as COVID-19 will impact how Pasadena handles training for new Commission members, at least during the first six months of 2021, Council should consider taking advantage of NACOLE regional and annual training opportunities (currently offered remotely). Also, this period of COVID-19 restrictions provides a unique opportunity to explore joint training with other municipalities on topics of common interest and where there is little or no variation by jurisdiction, such as constitutional law principles in policing, the California Public Safety Officers Bill of Rights, the history of law enforcement in the United States, and models of civilian oversight. Joint training also offers a chance for Commission members new to oversight to network with and learn from the experience of others using the commission model to enhance community-police relations.

ATTACHMENT A

SAMPLE DOCUMENTS USED IN TRAINING WITH THE ANAHEIM POLICE REVIEW BOARD

ANAHEIM POLICE REVIEW BOARD

CONFIDENTIALITY AGREEMENT

1. I WILL MAINTAIN THE CONFIDENTIALITY OF AND WILL NOT PUBLICLY DISCLOSE ANY INFORMATION I RECEIVE AS A RESULT OF MY POSITION ON THE ANAHEIM POLICE REVIEW BOARD.

2. I WILL NOT USE ANY INFORMATION DERIVED FROM CITY OF ANAHEIM SOURCES OR RECORDS FOR PERSONAL GAIN OR USE, EXCEPT AS AUTHORIZED BY LAW OR CITY POLICY AND PROCEDURE.

3. I WILL NOT DISCLOSE TO ANYONE THE FACT OR NATURE OF ANY INVESTIGATION I BECOME AWARE OF AS A RESULT OF MY POSITION ON THE POLICE REVIEW BOARD EXCEPT AS PROVIDED BY LAW OR CITY OF ANAHEIM POLICY AND PROCEDURE.

4. I WILL NOT GIVE ANY UNAUTHORIZED PERSON ANY INFORMATION CONCERNING THE NUMBER OF ANAHEIM POLICE OFFICERS ON DUTY OR THEIR SHIFT ASSIGNMENTS OR PATROL AREAS.

5. I WILL FOLLOW THE POLICIES AND PROCEDURES GOVERNING THE ANAHEIM POLICE REVIEW BOARD, INCLUDING ATTENDANCE AT MANDATORY MEETINGS AND TRAINING SESSIONS.

PRINT NAME:

SIGNATURE:	DATE:
DIGITATURE.	

WITNESS:	DATE:

ANAHEIM POLICE REVIEW BOARD: FOUNDATIONS FOR SUCCESS

Michael Gennaco Stephen Connolly

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Anaheim's PRB:

· As individuals · As a group





Strengths of the Model

- Unprecedented public ACCESS to critical incident review process

Roll-out protocol [PRECEDENT-SETTINGI]

MIRT preliminary presentation

OIR Group Analysis and Recommendations

Strengths of the Model

Unprecedented INFLUENCE over critical incident review process

Raising questions/concerns

Input on OIR Group reporting

Public reporting (re process)

Strengths of the Model

- Independent REPRESENTATION of the public

Intake and follow-through on complaints

A voice for systemic concerns/reform initiatives

Enhanced accountability through scrutiny and reporting





Educating the Public

 BE CLEAR, STRAIGHTFORWARD, and CONSISTENT about what the public can expect
 (Announcements at start of meeting?)

- PROVIDE the information that you can, and emphasize the PROCESS
- Use OIR Group as a resource





Anaheim's PRB

- "What do you hope to accomplish?" Individually
- · Collectively
- Mission Statement?









Complaint Intake: Do's and Don'ts

- Be clear about the PROCESS: referral, etc.

- Using existing mechanisms
- · "But what are you going to do?"









POLICY: Development & Modification

- Who should contribute? (Policing Project of NYU: Importance of public input)
- President Obama's 21st Century Task Force: Pillar Recommendation
- · What are some sources of "best practices"?
- How the Board can contribute







PRB Protocols

· Issues for consideration:

· MEDIA RELATIONS

· interactions with public officials

Relationship with PD, Council, City Manager



Outreach Strategies

- Finding your audience
- · Connecting with your audience
- The "communities" of Anaheim and their respective priorities

Outreach Strategies

- · Beyond the monthly meeting/annual report
- Critical Incidents: Role at APD community meetings?

- Subcommittees?

· Crafting the message

· Outreach?



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Public Reporting and the PRB

 What are the goals of reporting for an oversight entity?

- Transparency
 Accountability
 Education
- · Promoting dialogue

Additional Questions and Discussion

OIRGroup.com















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June 13, 2018

Training Schedule

Training 1 – June 7- Use of Force, Graham v. Connor, Fourth Amendment Training 2- June 13- POBR, Force Analysis System, Major Incident Review Team (MIRT) Training 3- July 12- MIRT, Tactics and scenario based training Training 4- August 2- Oversight models, PRB scope, meeting fundamentals Training 5- August 9- ACLU and how to run a meeting Training 6- September 6- MIRT and meeting fundamentals Additional trainings- Police department ridealong

Timeline

o February - March 2017 : Council presented information regarding Public Safety Board and evaluation report

o March – September 2017: More than 30 meetings with community members and various stakeholders

o September 2017 : Update to City Council on proposed Police Review Board

 \circ December 2017 : Update to City Council on Police Review Board, expanded successor to the Public Safety Board

o March -September 2018: Board selection via lottery and six training sessions

o Police oversighto Community board and professional auditor

Mission

Review Recommendations Transparency Community Engagement

ATTACHMENT B

TRAINING ORIENTATION CHECK LIST USED BY THE LONG BEACH CITIZEN POLICE COMPLAINT COMMISSION

CITIZEN POLICE COMPLAINT COMMISSIONER-ELECT (CPCC) Orientation Check List

Commissioner:

Before Serving in Closed Session

Sign and bring the following forms with you to your orientation on _____

- Agreement to Standards of Conduct
- Courier Service Form
- a Ride Along with LBPD
- a Community Relations and Media Policy
- Policy Regarding Witnessing Possible Police Misconduct

Closely review the following documents and bring them with you to your orientation

- a 2020 Meeting schedule
- Commission Roster
- D CPCC Charter
- D By-Laws
- a Policies & Procedures
- Public Safety Officer's Bill of Rights
- D Parliamentary Procedures at a Glance
- u Allegation Codes
- provide the second second
- Ethnic Codes
- Phonetic and Alpha Codes

In-person Orientation

- Credibility determinations and scenario
- CPCC values to the community and the City of Long Beach
- CPCC and IA investigative processes
- What to expect during Public Session
- What to expect during Executive Session
- Tour Council Chamber and Lounge
- Agenda Package
- D Annual Training and Special Meetings
- o Photo Information
- Sign Orientation Acknowledgement
- Visit the http://longbeach.gov/citymanager/cpcc/ to see the
 - Annual Report

I acknowledge that I have completed the Citizen Police Complaint Commission orientation.

____ (Sign Name)

_____ (Date)

Rev 10/2020