

# DRAFT FOR COMMENT AND CORRECTION

## POLICE OVERSIGHT IN DAVIS, CA

### Outline of a Process for Engaging the Community on Directions to Take

#### Background

This document provides more detail on the purpose, people and processes of a community-based approach to developing police oversight recommendations for the City of Davis. On July 11, 2017, the Davis City Council passed the following motion to establish a community-based process to define police oversight options for its consideration and action:

*City Manager's Office: Hire short-term consultant to*

*1. Review the current system, historical documents and recommendations from the Human Relations Commission.*

*2. Participate in up to five public or sponsored forums (for vulnerable groups who may not be willing to come to public forums) as content expert (Davis-based facilitators could provide structure for community dialogue at the meeting). Forums should be used to solicit community input on the goals of oversight, guiding principles and key desired processes for oversight.*

*3. Use own experience, public input from forums, input from the Davis Police Department, and review of extant systems to recommend 1-3 options that would seem to fit in Davis given size, history of policing and community needs.*

*4 Recommendations should include model contract and scope of work for ombudsman/auditor and details of the role of any entities (CAB, PAC) and how they might change from what is currently in place.*

*This work could be completed by December 31, 2017.*

*Independently solicit input from the DPD on key elements, questions, concerns about oversight that they wish to have considered highlighted in any eventual policy.*

*Present results of foregoing in comprehensive report to the CC for decision making on preferred model in January 2018.*

#### Ultimate Ends of Oversight

While this paper lays out the process to be used to arrive at recommendations for police oversight in Davis, the ultimate end (goal) is to create a police accountability system that increases transparency, builds trust, and fosters policing practices and policies that create public safety for the entire community. This accountability must involve both the police as an

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agency and the behavior of individual officers. Accountability builds legitimacy—a concept that some consider the key outcome of any oversight effort.

The concept (legitimacy) holds that the police have legitimacy when they enjoy the understanding, trust, and support of the people they serve... Legitimacy takes a comprehensive view of policing, looking at individual officer conduct, police departments as organizations, and relationships with the entire community. (Walker and Archbold (2014) *The New World of Police Accountability*. pp9-10)

Legitimacy also means that officers and police leadership themselves view the process as legitimate.

Thus, the end of this process must be an oversight system that increases transparency for both the oversight process and the work of the police, builds police accountability, strives for evidence-based decision making, and provides for ongoing correction and quality improvement. The outcome will be a police department that enjoys the trust and support of the community.

While this process will help define the exact nature of the oversight system, typically oversight systems include some or all of the following:

- Accepting and referring police misconduct complaints
  - Investigating police misconduct complaints
  - Monitoring or auditing a police department's internal investigations and findings
  - Conducting hearings and making decisions on police discipline matters
  - Conducting pattern and practice reviews
  - Making recommendations for improving police policies, practices, and training
  - Reporting on oversight and its impact on policing
  - Fostering community education and engagement about police and oversight matters
- (from Attard and Olson (2016) *Police Misconduct Complaint Investigations Manual* p2).

### **Purpose of Davis' Public Process**

With the foregoing as background, we can articulate the purpose of the process called for in the motion as follows:

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To bring a diverse group of Davis stakeholders together with police oversight experts to learn more about oversight options and elements and develop a set of guiding principles for police oversight and several models or options for oversight that fit the needs of the community.

Accomplishing the following objectives will be critical to achieving this purpose:

1. Community members gain a more complete understanding of the elements of police oversight—such as citizen complaint processes, the role and functions of a police auditors, personnel review processes, data collection and analysis, critical incident investigations, public communication—and how they can fit into an oversight model/approach.

2. Community members help define key guiding principles that will form the foundation of police oversight and elements they would desire to see as part of an eventual Davis programmatic options.

3. Under-represented populations within the City also help define guiding principles and oversight elements, but also deepen the broader community's understanding of their experience of the police in Davis (which is very likely different from what the majority of citizens experience).

4. Police provide input into elements and options to assure their full understanding and engagement. Police here would include input from the Davis Police Officers Association as the bargaining unit for the sworn and unsworn members of the police department.

5. An external consultant brings together input from all public processes, review of key documents and individual and small group interviews, to create a final report and recommendations for City Council consideration and action.

### Stakeholders and Participants in the Process

The following people will be involved in the community-based process to accomplish the purpose stated above.

**Content Expert/Consultant**—This individual will provide critical input into the process by laying out key elements of oversight and models for how they can be brought together in a comprehensive and cohesive model or models, and bring input together in a final report. Specifically, s/he will 1) help educate the public; 2) summarize key learnings from community forums; 3) review relevant historical and background documents from the City (and University where relevant); 4) conduct small group and one-on-one interviews with police leaders and officers and other city leaders to solicit their ideas/concerns about oversight; 5) author a

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comprehensive report summarizing community and police input and developing options for City Council action in the form of specific recommendations. Ideally sh/e will have personal experience in police department oversight and internal reforms that have evidence of improved transparency and legitimacy, especially with populations historically overrepresented in policing incidents.

**Community Facilitators/Scribes**—These individuals will work closely with the Consultant to design, facilitate, and capture participant input from all public and sponsored forums. These Davis-based facilitators will explain the purpose and processes for each public forum, assure that participants can accomplish the purposes of the forums, and assure that all attendees be given an opportunity to fully participate.

**Other Content Experts**—These individuals may be invited for one or more discreet events such as panel discussions to provide a richer context and understanding of best practices, challenges, and experiences with police oversight from other communities.

**“Conveners”**—These are community groups or individuals who may host sponsored forums for underrepresented groups within the city or others (e.g. UC Davis and DJUSD students, international visitors, migrant workers, students who have had encounters with the police, etc.) with specific interests or needs vis-a-vis policing and police oversight.

**Community Members**—These are all those who choose to participate in various activities—discussions, forums—to educate themselves and/or provide input into guiding principles and elements of police oversight. They are self-selected and will come with an interest in engaging the conversation and learning more.

**Under-Represented Community Members**—These community members have a different experience with policing in Davis than other residents but may have fears or concerns about expressing their opinions in general public sessions. They most likely will be able to provide important insights into policing and what they need in terms of safer and more accessible citizens’ complaint processes and general police oversight

**Police Administration/Leadership**—These people will be critical to the success of any oversight program and their “insider” view will be critical. They have led a process with the entire force that led to police oversight as one goal of the police strategic plan and have, thus, made a commitment to helping define a system for the city. They will be critical to

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implementing recommendations concerning policy and procedural changes arising from oversight activities.

**Police Officers**—Officers will always be a focus of oversight given that individual officer behavior is one key aspect of any system. Their acceptance of and cooperation with an oversight system will be critical and their perspectives on oversight will help shape recommendations. They have legally-define rights that will have an impact on choices made about personnel review activities in particular.

**Other Key City Staff**—Since the police serve under the leadership of the City Manager, any oversight process will engage city leaders. Their engagement and full understanding of what is being proposed to the City Council will be critical, as will their questions about practical operationalization of recommendations.

### Process

The foregoing has suggested some of the elements of the process and they include, but are not necessarily limited to, the following elements:

1 - Panel Discussions—These discussions will lay out key concepts and have experts discuss, in more detail than may be permitted in community forums, specific details of police oversight. They would be designed primarily as input for other discussions and include questions/answers with participants. They would not be designed to solicit community input per se but rather to help community members better understand the legal landscape of policing and police oversight in California. They will provide an opportunity to expand and diversify the voices providing input about police oversight.

2 - Community Forums—They will provide more limited input into the definition and elements of police oversight and solicit community input on guiding principles for Davis' oversight process and suggest key elements that should be part of it. These forums form the backbone of the process sought by the City Council and follow a more recent tradition of actively seeking input on key community decisions before the City Council. They are a primary way for the broader community to speak into the decision making around police oversight. They will involve large and small group discussions and allow for the capturing of agreements and disagreements that surface in the discussions.

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3 - Sponsored Forums—These meetings will enable under-represented groups of individuals who may not be willing or able to come to the Community Forums. These forums could be organized by any group in the City and will follow a format similar to Community Forums but also enable people to discuss their experience with policing in Davis.

4 - Document Review—The Consultant will undertake this part of the process to review critical historical documents related to policing and police oversight in Davis, including, where deemed relevant, documents relating to policing and oversight on the UCD campus and any resource-sharing agreements between Davis Police Department and other law enforcement entities including but not limited to the University police. The review will include City Council actions from 2006, Human Relations Commission actions and recommendations and other relevant documents that will provide a deeper understanding of policing and police oversight in Davis.

5 - Individual/Small Group Interviews—The Consultant will organize these with specific stakeholders such as the DPD leadership, officers, other DPD staff, City leaders, City Attorney and others s/he deems critical to helping provide a fuller understanding of the opportunities and constraints to any particular model or elements of police oversight.

6 - Final Report and Presentation to the City Council—The foregoing will culminate in a comprehensive report and presentation to the City Council with clear options and recommended next steps and actions in developing police oversight.