

# Police Oversight

Hold discussion to provide direction to staff regarding police oversight for the City of Davis, specifically related to the following:

- Interest in changes to existing oversight structure(s)
- Types of oversight
- Public process and timeline



# Police/Civilian Oversight

- Civilian oversight may be defined as one or more individuals outside the sworn chain of command of a police department who take up the task of holding that department and its members accountable for their actions.



# Oversight Systems Used in Davis

- Personnel Board
- Independent Police Auditor
- Police Advisory Committee (PAC)
- Community Advisory Board (CAB)
- Alternative Conflict Resolution Program (ACR)
- Volunteers in Police Service (VIPS)



# Typical Police Oversight Models

- Investigatory Systems (Done for particular types of Investigations, such as the Picnic Day incident)
- Review Systems (PAC)
- Monitoring/Auditing Systems (Police Auditor)
- Policy and Process Advisory Systems (CAB)



# Broad Authority

- City has broad authority to create oversight systems based on community needs and compliance with rules and laws.
- Systems must comply with Personnel Rules & Regulations and state and federal law which set the standards for ensuring public employees are provided with due process during the investigative, disciplinary and appeal process.
- Changes to the existing systems may require bargaining with the POA if they change working conditions





# Confidentiality

In CA, peace officer records are confidential and shall not be disclosed except as permitted by law:

- City Manager, City Attorney or other attorneys or representatives of the City in connection with official business may review files (Auditor, Personnel Board). The files remain confidential and cannot be released by these parties.
- Pitchess Motion – Judge may release certain information related to internal investigations and provide to district attorney or defense council in criminal cases under protective order.
- Federal Discovery (usually when a lawsuit is filed).
- Proceedings concerning the conduct of peace officers conducted by a grand jury, the district attorney's office, or the Attorney General's office.
- Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career.

# Public Civilian Review Boards

- Public hearing on a citizen complaint by a commission board of inquiry would necessarily violate State law by disclosing information from confidential records, including the identity of officers and content of investigative files.
- Records and findings of city's police review commission were protected from disclosure under State law.



# Peace Officer Bill of Rights

- applies when police officers are made to appear for interrogation or a fact finding hearing by order of their employer and under penalty of disciplinary sanction.
- provides a catalogue of basic rights and protections which must be afforded all peace officers by the public entities which employ them.
- Doesn't prohibit civilian involvement, but governs investigations process and the rights to an administrative appeal.





# POBR

The right to an administrative appeal of punitive actions.

- No punitive action without an opportunity for administrative appeal.
- If citizen review board reports could impact personnel decisions, an officer is entitled to administrative appeals.
- In Davis, administrative appeals are also governed by the Personnel Rules.

## Questions for Staff?

Staff is requesting specific direction regarding:

- The type of oversight system(s) Council wants to continue or consider for the future.
  - Additional research or fact finding?
  - Engage with a consultant or other outside expertise regarding oversight?
  - If changes are desired, the process for making changes or adopting a new system or model?
- Request for Proposal (RFP) and expected timeline for contracting with a new police auditor, including any proposed contract provisions.
  - The extent, if any, a new auditor will have on suggesting or participating in a process to implement additional forms of oversight that are complementary to the auditor process.
- Any other Council Request regarding oversight.