



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**DATE:** May 2, 2023

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** OIR Group Audit of Santa Barbara Police Department Policies, Procedures, and Practices

### **RECOMMENDATION:**

That Council receive a presentation on the findings and recommendations from the OIR Group Audit of Santa Barbara Police Department Policies, Procedures and Practices.

### **EXECUTIVE SUMMARY:**

The City Council approved conducting an Audit of the Santa Barbara Police Department on June 6, 2022, as a key component of creating and implementing a new civilian oversight system for law enforcement. The OIR Group, an independent team of police practices experts, was the firm selected to conduct the Audit due to their more than two decades of experience in oversight. The Audit was directed by the City Administrator's Office and primarily supported by Commander Kasi Corbett of the Police Department's Community Accountability Team.

The Scope of Work for the Audit included review of: (a) the Department's complaint process; (b) the need for Executive Development and Leadership training; (c) employee retention and recruiting; (d) Use of Force training and review; and (e) General policy compliance. The Audit was completed in March 2023 and includes 31 recommendations for consideration.

### **DISCUSSION:**

The initiation of the Audit by the City of Santa Barbara was uncommon in that unlike other jurisdictions, the City's review was not in response to a critical incident or a publicized case of police misconduct. Instead, the City took a proactive step to ensure transparency of the Department's policies, processes and practices as well as accountability to the highest of standards and best practices.

The Audit of the Santa Barbara Police Department by the OIR Group began in the summer of 2022. It was conducted during a transition in Department leadership as Interim Chief Bernard Melekian retired on July 15, 2022 and Chief Kelly Gordon was appointed on August 30, 2022. As expected with new leadership, Chief Gordon also began her own review and assessment of the Department's policies, procedures and practices. Therefore, many of the recommendations identified by the OIR Group were also areas of improvement observed by the Chief and already in the process of being implemented before the OIR Group report was finalized.

The OIR Group highlighted several areas of strength in regard to Department leadership, community engagement, as well as the extraordinarily limited number of Use of Force cases. This was especially noteworthy considering the increased demands on the Department to respond to Calls For Service (CFS) relating to individuals in the midst of a mental or behavioral health crises.

Statistically speaking, there were only 147 incidents where use of force was utilized out of 45,111 contacts in 2022. Consequently, 99.67% of contacts did not result in force used. However, the OIR Group noted opportunities for enhanced review of Use of Force cases as well as providing further detail on de-escalation tactics that are utilized by officers.

OIR Group also highlighted the low number of complaints received by the Department and that the community has been largely supportive of the Department's work. All of the recommendations OIR made relating to the complaint process have already been implemented by the Professional Standards Unit (PSU). These improvements include enhancement of post-investigation communications, inclusion of all correspondence with complainants as part of the formal investigation file, and establishing an internal standard to complete a majority of investigations within 120 days.

A cross-cutting theme throughout the report is the impact of low staffing levels on the ability of the Department to support and promote professional development opportunities for officers, as well as exceed established training standards, which in turn impacts employee morale, retention, and promotion. Under Chief Gordon's leadership, Executive Development is being prioritized at the highest level and is one of the CORE<sup>1</sup> goals for the Department. The Department is also in the process of updating and improving its employee recruitment and retention strategies.

### Next Steps

Of the 31 recommendations from the OIR Group, 19 recommendations have already been implemented and eight recommendations are in process. Three recommendations have been noted for further review.

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<sup>1</sup> CORE is City Outcomes Reaching for Excellence, a revamped performance measurement program that aligns with the City of Santa Barbara's new Vision 2023 Initiative.

The City Administrator's Office has retained the expertise of Hassan Aden of The Aden Group, LLC to advise on implementation of recommendations as they relate to the new civilian oversight system.

**BUDGET/FINANCIAL INFORMATION:**

Many of the Audit recommendations pertain to refinement of policies and procedures as well as adjustments to Department practices of which there are no direct costs.

**ATTACHMENT(S):** 1. Status of SBPD Audit Recommendations  
2. Audit of SBPD Policies, Procedures and Practices

**PREPARED BY:** Barbara Andersen, Senior Assistant to the City Administrator

**SUBMITTED BY:** City Administrator's Office

**APPROVED BY:** Rebecca Bjork, City Administrator

## Status of SBPD Audit Recommendations

Rec #	Recommendation	Status	Notes
1	SBPD should establish mechanisms to ensure that all its personnel, and its supervisors and managers in particular, engage in regular forms of professional development beyond mandatory state training requirements, with an eye toward increasing their own skill and expanding the agency's capabilities at the leadership level.	In Process	To be included as section in annual Management (MGMT) contract. Track through training for line level and Professional Standards Unit (PSU) for managers only. Executive development is one of the Department's CORE goals.
2	SBPD should pursue strategies to help encourage the involvement of female officers across a range of roles, and to ensure that its selection processes for promotions and special assignments incorporate a range of perspectives.	In Process	To be monitored and addressed as part of an annual audit process. All interview panels involve a diverse set of raters including gender.
3	SBPD should continue to provide organizational support for both the "community-based field training" concept and initiatives that promote relationship-building with groups that are often marginalized in the justice system.	Implemented	
4	SBPD should seek community involvement in reviewing the current grid qualities used to evaluate employee performance and seek input in refining those qualities to match community expectations more closely.	In Process	Update of Performance Evaluation is in process.
5	SBPD should provide more guidance to reviewers to indicate which qualities should be expressly discussed in the narrative section of employee evaluations.	Implemented	Already in practice and includes any qualities that Exceed Standards or Need Improvement.
6	SBPD should ensure that a prior supervisor contributes meaningfully to any evaluation of an employee who worked for the supervisor during the evaluation period.	In Process	Will be completed prior to re-assignment and captured in Guardian.
7	SBPD leadership should review its mechanism for tracking the dispositions of lower-level performance complaints and non-disciplinary interventions, to ensure that handling supervisors are following through in providing appropriate documentation and tailored interventions as needed.	Implemented	Already completed in Guardian.

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8	SBPD should work to enhance its post-investigation communications with complainants, in order to provide additional information about the process and a mechanism for further dialogue or feedback where appropriate	Implemented	More detailed disposition letter in practice as of January 1, 2023.
9	SBPD should include any correspondence with complainants as part of the formal investigation file of every complaint case.	Implemented	In practice as of July 1, 2022.
10	SBPD should develop internal timelines for completion of investigations (90-120 days) and require a justification and supervisory approval for any extensions.	Implemented	Internal timeline for completion of investigations is 120 days as of January 1, 2023.
11	SBPD should continue its efforts toward expanding managerial “ownership” of the discipline process by involving lieutenants in decision-making and equipping all sergeants with the ability to conduct administrative investigations.	Implemented	Already in practice. All Sergeants are required to attend IA training, IP. Policy updated in 2022 for Lieutenant input and recommendation.
12	SBPD should consider reviewing the “incomplete” complaint designation to reflect its current relevance to Department practice.	Implemented	“Incomplete” designation eliminated as of July 1, 2022. This is also a matter of practice with SB2.
13	SBPD should limit its closure of complaint investigations without officer interviews to situations where initially available evidence or analysis leaves no significant factual questions about the possible legitimacy of allegations.	Implemented	Already in practice. Supervisors and/or PSU review of Body Worn Camera (BWC) audio/video footage, reports and any other additional information that is available is included.
14	SBPD should eliminate “Miscellaneous File” as a designation for complaint cases that are clearly lacking in merit based on initial assessment or fact-gathering, and instead utilize one of the standard terms for case disposition that reflects the Department’s conclusions.	Implemented	This is already in practice as of January 1, 2023.
15	SBPD should promote an “information-gathering” paradigm for its administrative investigators in their intake interviews with complainants from the public, so as not to inadvertently leave an impression of bias or dissuasion	Implemented	This is already in practice through the Supervisor level communication with complainant as part of initial review. Training has been provided.

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16	SBPD should provide subject officers with sufficient factual detail to know the nature of the allegations against them in the context of a disciplinary investigation.	Implemented	This was a former practice in Internal Affairs (IA). A more detailed notification letter is in practice now by PSU.
17	SBPD should review its approach to disciplinary consequences to make sure that the goals of the process are not being undermined by undue leniency.	For Further Review	The Department utilizes holistic review in determining discipline. Recent case law changes are being considered in relation to disciplinary consequences on a case-by-case basis.
18	The Department should ensure that planned changes to its use of force review processes require that the agency looks beyond whether the force complied with policy to identify issues concerning tactics, decision-making, planning and coordination, choice of force options, de-escalation efforts, equipment or supervision.	Implemented	Already in process and included in the review by supervisors.
19	The Department should revise its force reporting policy to require officers to fully document all efforts to de-escalate a situation or to detail any reasons why they were unable to do so.	Implemented	De-escalation efforts and the results of, are reported and gathered in the initial reporting of individual incidents within the Call for Service (CFS) report and reviewed by supervisors through the UOF review process.
20	The Department should revise its policy to require (when feasible) that an officer who was not involved in the use of force be designated for transport, booking and further contact with an arrestee after force has been used to take a person into custody.	Implemented	This is past practice and has been reinforced through the line level supervisor.
21	The Department should revise its policy to require an uninvolved sergeant or other supervisor to investigate and review incidents where a sergeant either uses or directs the use of force.	Implemented	This is past practice and has been reinforced through the line level supervisor.

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22	The Department should revise its use of force policy to state that the pointing of a firearm at an individual is a reportable use of force.	For Further Review	The Department is currently exploring nationally accepted practices in tracking the pointing of firearms outside of the Use of Force reporting system.
23	The Department should revise its policy on the use of canines to ensure that deployments leading to a bite are expressly considered a use of force subject to the same level of review and scrutiny as other uses of force.	Implemented	The K9 UOF investigation process has been revised.
24	The Department should revise its policy on the use of Tasers to prohibit its use in drive stun mode, except when needed as a supplement to complete the circuit.	For Further Review	Department will evaluate recommendation and update policy and training.
25	The Department should continue to ensure that all its officers have received the 8-hour Crisis Intervention Team training, should prioritize attendance at the longer course in this important topic, and should regularly incorporate aspects of CIT training into its in-service training curricula.	In Process	100% of officers have attended (CIT) Crisis Intervention Training. The Department to include ongoing and regular CIT training within its in-service training curricula as recommended by State POST standards.
26	The Department should consider using the interim period between when recruits are hired and their academy training begins to assign recruits to work with community-based programs that provide social services to diverse neighborhoods.	Declined	Currently hired to work within the Department for both law enforcement orientation and preparation to attend the police academy.
27	The Department should update its recruitment materials to reflect current workforce dynamics and modern realities of policing by focusing more on the service aspects of a law enforcement career.	In Process	The updating of recruiting material is currently in process.
28	The Department and the City should continue to seek and embrace creative ways to meet the work-life balance demands of both current and potential employees, such as facilitating a job share option.	In Process	In process and job share/temporary part-time positions are already considered.

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29	The Department should seek community involvement in reviewing current recruiting strategies.	In Process	Improvement and development of additional recruiting strategies are ongoing and utilizing best practice within industry and State recommendations. It is one of the Department's CORE goals.
30	The Department should seek community involvement in reviewing current desired criteria for police officer candidates.	Implemented	The Department follows the strict criteria for police officer candidates as set by California POST standards (State standards). The community has involvement within the interview process of all candidates.
31	The Department should continue to involve community representatives on panels conducting interviews of prospective recruits.	Implemented	In practice since 2019.