



REGULAR MEETING AGENDA
PUBLIC SAFETY REFORM AND OVERSIGHT COMMISSION
VIRTUAL MEETING

Thursday, January 13, 2022

5:30 P.M.

Join the meeting at: <https://bluejeans.com/540059081/0079>

Call to Order

Roll Call

NOTICE IS HEREBY GIVEN that a regular meeting of the PUBLIC SAFETY REFORM AND OVERSIGHT COMMISSION will be held at 5:30 p.m., on THURSDAY, January 13, 2022, VIA TELECONFERENCE PURSUANT TO EXECUTIVE ORDER N-29-20 ISSUED BY, GOVERNOR GAVIN NEWSOM at <https://bluejeans.com/540059081/0079> for the purpose of only conducting the following business.

Please note that Agenda Items may be reordered during the meeting at the discretion of the body.

- 1. Special Agenda Items** - none
- 2. Consent Calendar**
 - a. Approval of Minutes of December 9, 2021 Regular Commission Meeting
- 3. Study Session –**
 - a. Commissioners’ Goals for 2022. An opportunity for each Commissioner to offer input at the start of a new calendar year. What aspects of public safety in Santa Monica are in need of reform? What aspects of public safety in Santa Monica require more oversight? What are your goals as a Commissioner for the year?
 - b. Complaint System Improvements. Discussion of improvements to complaint intake, tracking and reporting. (Commissioner Devermont, Accountability Systems Committee)
 - c. Community Engagement Ad Hoc Committee. Discussion of goals and agenda. Use of volunteers. Restorative justice initiatives. Potential activities. Information and/or support needed from SMPD.
 - d. Use of Firearms during protests. Discussion of SMPD policies and practices governing

- pointing of firearms at Santa Monica residents or others. Input from SMPD.
- e. State Law Developments. Discussion of new California statutes impacting law enforcement and SMPD. Input from City Attorney and SMPD.
 - f. Emergency Ordinance 2680 (Sunsetting February 28, 2022). Discussion of process for providing Commission input concerning expiration of emergency ordinance. Input from City Attorney, and SMPD. Attachments: Ordinance 2680; SMPD Policies governing protests and gatherings; SMPD Policies governing de-escalation at protests.

4. Continued Items -no items

5. Administrative Proceedings - none

6. Staff Administrative Items

- a. Receive and file status update or staff report on the status of information requested from Chief Batista concerning SMPD's intended response to potential misconduct revealed in September 9, 2020 testimony to PSROC.
- b. Receive and file status update on Commission's August 12 Request to City Manager or City Attorney to provide information on status of hiring Inspector General to support and work at the direction of the Commission, including selection process, conflicts of interest process and key contractual terms.

7. Public Hearing – none

8. Resolutions - none

9. Written Communications

10. Public Safety Reform and Oversight Commission Member Discussion Items

- a. Discussion of Final PSROC Report to City Council re May 31, 2020 events (approved by PSROC November 11, 2021). Requests to staff to schedule meetings with City Council, City Manager, and Police Chief re recommendations.
- b. Discussion and action re initial assignments for Inspector General.
- c. Accountability Systems standing committee. Status of committee work. Information needed from SMPD. Potential assignments for Inspector General. Ongoing committee agenda and schedule.(Vice Chair Devermont)
- d. Protests and Crowd Management Systems standing committee. Status of committee work. Information needed from SMPD. Potential assignments for Inspector General. Schedule for upcoming meetings. (Commissioner Scott)
- e. Reimagining Public Safety standing committee. Status of committee work. Information needed from SMPD. Potential assignments for Inspector General. Schedule for upcoming meetings. (Commissioner Miller)
- f. Use of Force Systems standing committee. Discussion of goals and agenda. Information

needed from SMPD. Potential assignments for Inspector General. Schedule for meetings.
(Chair Brown)

11. Public Input: The Commission will provide time for additional public input on matters within its purview on items that were not on the agenda. State law prohibits the Commission from taking any action on items not listed on the agenda, including issues raised under this agenda item.

Adjournment

STANDARDS OF BEHAVIOR THAT PROMOTE CIVILITY AT ALL PUBLIC MEETINGS:

- Treat everyone courteously
 - Listen to others respectfully
 - Give open-minded consideration to all viewpoints
 - Focus on the issues and avoid personalizing debate
1. Embrace respectful disagreement and dissent as democratic rights, inherent components of an inclusive public process, and tools for forging sound decisions

This agenda is available in alternate formats upon request. If you require any special disability related accommodations (i.e. sign language interpreting, language interpretation, etc.), please contact the City Manager's Office via Lisa.Parson@smgov.net at least 1 day prior to the scheduled meeting.

This agenda is subject to change up to 72 hours prior to a regular meeting. Please check the agenda for prior to the meeting for changes.

Transportation Information: This meeting is being held virtually. No in person access is available.



MINUTES
PUBLIC SAFETY REFORM AND OVERSIGHT COMMISSION
REGULAR MEETING

<https://bluejeans.com/540059081/0079>

Thursday, December 8 2021

5:30pm

Call to Order

Chair Brown called the meeting to order at 5:31 p.m.

Pledge of Allegiance

No Pledge of Allegiance was recited.

Roll Call – in order below

The following persons were recorded in attendance by the Recording Secretary:
List in order called during the meeting.

Present:

Commissioner Basseri Mcloughlin
Commissioner Centeno
Commissioner Cruz
Commissioner Miller
Commissioner Mota
Commissioner Palazzolo
Commissioner Raman
Commissioner Ramirez
Commissioner Scott
Vice Chair Devermont
Chair Brown

Absent:
Commissioner Cruz – absent

1. **Special Agenda Items**

2. **Consent Calendar**

3. **Study Session – remind attendees to raise hands to comment, 2 minutes each. Call each item and ask for public comment**

a. Racial and Identity Profiling Act. AB 953. Discussion of requirements and status of SMPD compliance, reporting, and transparency. Presentation from Michele Wittig. (see attachment A)

Chief Bill Heric attended and provided details on SMPD's approach to launching their RIPA reporting. 8 officers have been reporting data early as part of a pilot program, all officers will begin reporting data quarterly in January 2022, with a first annual report in April 2022.

b. Accountability Systems standing committee. Status of committee work. Discussion of improvements to complaint intake, tracking and reporting. Information needed from SMPD. Potential assignments for Inspector General. Ongoing committee agenda and schedule.

1.) November meeting focused on SMPD complaint process. Committee will produce a report of their recommendations for the creation of a standard complaint form.

2.) December meeting focused on body camera policy and practices. Sgt. Maury Sumlin presented to committee on current and future technology in use, standard practices and officer guidance. Presentation attached in appendix.

Chief Batista provided background on elimination of the complaint form 7-9 years ago, as a move to open up the complaint process to accommodate more forms of documentation (notes, voice messages, videos, etc.). Vice Chair Devermont proposed providing draft of the committee report to SMPD for review and feedback before providing draft to full commission, Chief Batista agreed to this approach.

c. Protests and Crowd Management Systems standing committee. Discussion of goals and agenda. Information needed from SMPD. Potential assignments for Inspector General. Schedule for meetings.

Proposed meeting schedule:

Session 1: [Wed., Dec. 22] Topic: Current Law and Policies Regarding Lawful Protests

Session 2: [Wed., Jan. 26] Topic: Unlawful Protest

Session 3: [Wed., Feb. 23] Topic: Unlawful Protest Policies

  @cityofsantamonica

 @santamonicacity

<https://www.santamonica.gov/public-safety-reform-and-oversight-commission>
(310) 458-5046

Session 4: [Wed., March. 23] Topic: Rules and Policies Regarding the Use of Curfews and Safe Exit Plan

Session 5: [Wed., Apr. 27] Topic: Notifications to Businesses of Protest Activity

Session 6: [Wed., May. 25] Topic: Crowd Management Tools

1. **Session 6-A. [Wed., Jun. 22]** Tear Gas
2. **Session 6-B. [Wed., Jul. 27]** Pepper Spray
3. **Session 6-C. [Wed., Aug. 24]** Projectiles
4. **Session 6-D. [Wed., Sep. 28]** Flashbang grenade

Session 7. [Wed., Oct. 26] Topic: De-escalation Policies for Lawful Protests

Request for Inspector General: provide current policies in comparison cities.

d. Reimagining Public Safety standing committee. Discussion of goals and agenda. Information needed from SMPD. Potential assignments for Inspector General. Schedule for meetings.

Meeting topics:

1. Routine traffic stops- reimagining this function to reduce the frequency of split second decisions on the part of officers.
2. Homelessness and the unhoused- SMPD's current approaches to this issue and potential modifications of policy to reduce stigmatization of unhoused individuals.
3. Alternative approaches to actual and perceived threats to safety.
4. Police officers on school campuses.

e. Use of Force Systems standing committee. Discussion of goals and agenda. Information needed from SMPD. Potential assignments for Inspector General. Schedule for meetings. Proposed plan is to hold one meeting per month from January- June for two hours each.

Topics will include:

1. Authorization for use of force
2. Guidelines for vehicle pursuits and foot pursuits
3. Physical controls and personal body weapons
4. Impact Weapons (tasers, batons, pepper spray and canines)
5. Firearms and other deadly force

Stanford Center for Racial Justice is preparing a model on Use of Force, experts will attend committee meetings to provide best practices, representatives from SMPD will be invited to do the same.

4. **Continued Items** -no items

5. **Administrative Proceedings** - none

6. **Staff Administrative Items** –

- a. Receive and file status update or staff report on the status of information requested by Commission re complaints, discipline and related matters (pending since June 16, 2021). – information received October 2021. Additional information may be needed following review of Commissioner Devermont. CMO staff will connect with City Attorney’s office and SMPD to determine if there are outstanding items.
- b. Receive and file status update on Commission’s August 12 Request to City Manager or City Attorney to provide information on status of hiring Inspector General to support and work at the direction of the Commission, including selection process, conflicts of interest process and key contractual terms.
Inspector General contract has been signed by all but the City Clerk, pending submission of updated Oaks Initiative Form. Expectation to onboard Inspector General including introduction to the Chair and Vice Chair in the week of December 13th.
- c. Receive and file status update on Commission request for information from SMPD regarding recent media reports about cliques and other groups within law enforcement entities. (Commissioner Centeno)

Chief Batista reported that per his initial discussions of this issue with Command Staff and observations of SMPD, there is no evidence of this type of behavior occurring in the department. Methods to safeguard against this happening include annual training, emphasis on the ethos of principled policing, and leadership’s commitment to maintaining regular contact with all officers in the department.

7. **Public Hearing** – none

8. **Resolutions** - none

9. **Written Communications**

10. **Public Safety Reform and Oversight Commission Member Discussion Items** - remind guests to raise hands for public comment, 2 minutes each. Call each item and pause for public comment.

- a. Discussion of Final PSROC Report to City Council re May 31, 2020 events (approved by PSROC November 11, 2021). Recommended next steps. Potential decisions re same, including meeting with City Council, City Manager, and Police Chief re recommendations.
Request from Commission for CMO staff to connect with

- b. Request for SMPD to investigate potential misconduct revealed in September 9, 2021 testimony to PSROC.
Discussion with City Attorney and Commission members regarding appropriate means of addressing complaints raised by residents pertaining to SMPD.
- c. Discussion and action re initial assignments for Inspector General

Proposed approaches:

Inspector General should provide policies related to standing committee topics ahead of meeting dates.

Committee chairs should collect requests from their groups and funnel them up to the Chair

11. Public Input: The Commission will provide time for additional public input on matters within its purview on items that were not on the agenda. State law prohibits the Commission from taking any action on items not listed on the agenda, including issues raised under this agenda item.

Adjournment

Chair Brown adjourned the meeting at 7:54 p.m.

Attest:

Approved:

Lisa Parson _____

(Name)

(Name)

Secretary

Chair

Attachment A- Presentation from Michele Witting Regarding The California Racial and Identity Profiling Act

RIPA: The California Racial and Identity Profiling Act

Presentation to the Santa Monica Public Safety Reform and Oversight Commission

December 9, 2021

Michele.Wittig@csun.edu

A. THE LAW AND ITS RATIONALE

Promotes Fairness by Forbidding Profiling in Police Stops

Stop “means any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person's body or property in the person's possession or control.”

Profiling is “the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description.”

In the absence of such a subject description, stops are to be based on observation of (at least) a violation of law (or reasonable suspicion thereof) *NOT* on group-based stereotypes.

Rationale

Among the factors that give rise to group-based disparities in stops are:

1. Group-related factors

- a. Group differences in violation rates
- b. Group differences in driving rates or presence in an area

2. Officer-related factors

Implicit Bias: Beliefs or attitudes a person holds that can shape their understanding, actions, and decisions in an unconscious manner. Often rooted in negative stereotypes about groups.

Explicit Bias: Overt expressions of racist or bigoted beliefs or attitudes, e.g., in media posts; affiliations with extremists groups, e.g., white supremacy groups identified by FBI

3. Systemic / Societal Factors: inequities relating to poverty, immigrant status, etc.

Goal

*Reduce that portion of group-based disparities in stops that is due to **officer bias**.*

Note: Group-based disparities due to other factors are beyond the reach of this law.

B. RELEVANCE TO POLICING EQUITY

The law is intended to reduce the extent to which **officer biases** operate in the decision to make a stop and the conduct following a stop...thereby reducing that portion of group disparities in stops that is affected by such biases. If successful, policing will be more equitable.

C. LEGAL REQUIREMENTS

1. **Prohibits racial and identity profiling** by law enforcement

2. Requires law enforcement agencies to **report data** to the Attorney General's Office on

a) all vehicle and pedestrian **stops by officers**

Required data include perceived identity and demographics, reasoning for stops and searches, and the outcome of each encounter.

b) **civilian complaints** alleging racial and identity profiling

3. Establishes the Racial and Identity Profiling Advisory **Board**

4. Provides **data, best practices and recommendations** for community advocates, organizations, law enforcement and policymakers to collectively advance the goals of RIPA.

D. ROLE OF THE CALIFORNIA RIPA BOARD

The 19-member Board is made up of community advocates, spiritual leaders, academics, attorneys, and law enforcement. Its mission is to eliminate racial and identity profiling and to improve diversity and racial and identity sensitivity in law enforcement.

1. Analyze the stop data and the civilian **complaint** data annually

2. Work with law enforcement to review racial and identity profiling **policies and practices**

3. Review law enforcement **training**

4. Issue an **annual report** that details the data findings, and provides policy recommendations and best practices to law enforcement for eliminating profiling in California.

E. IMPLEMENTATION Wave 4 Agencies begin data collection January 1, 2022

1. Stop Data Elements

- a. Reporting officer's agency's originating agency identifier assigned by the FBI
- b. Date, time, and duration of the stop
- c. Location of the stop
- d. Race or ethnicity of the stopped person as perceived by the officer
- e. Gender of the stopped person as perceived by the officer
- f. Whether the officer perceived the stopped person to be LGBT
- g. The perceived age of the stopped person as perceived by the officer
- h. Whether the officer perceived the stopped person as having limited or no English fluency
- i. The perceived or known disability of the stopped person
- j. The reason for the stop (such as, the officer stopped the person for a traffic violation or because the officer had reasonable suspicion that the person committed a crime)
- k. Whether the stop was made in response to a call for service
- l. All of the actions taken by the officer during the stop
- m. The basis for any search
- n. Whether any contraband of evidence is discovered
- o. The result of the stop (such as, the officer arrested the person or took no action)
- p. The officer's identification number, which is the permanent identification number assigned by the officer's law enforcement agency to the reporting officer and which will be used for all stop data reporting to the Department
- q. The officer's years of experience at the time of the stop
- r. The officer's assignment at the time of the stop (such as patrol or gang enforcement)

2. Officer Training

Courses in Procedural Justice / Fairness in Policing / Implicit Bias
Course in Reporting STOP Data for RIPA

3. Data Input / technology / recording

4. Data Reporting to CA Department of Justice begins April 1, 2023

5. Data Availability to researchers / the public

<https://openjustice.doj.ca.gov/exploration/stop-data>

6. Data Analysis / Use

F. ADDITIONAL RIPA ELEMENTS

Guidelines for Reporting of Civilian Complaints: beyond the scope of this talk

Guidelines for Updated POST Training: beyond the scope of this talk

G. LOCAL ISSUES TO BE ADDRESSED

1. *How will the PSROC engage with the RIPA goals?*

- a. Establish a RIPA standing committee to engage SMPD in achieving the RIPA goals
- b. Assign the Inspector General an oversight role in analyzing and publicizing the data
- c. Collaborate with SMPD to align the SMPD **complaint process** with the new law and implement best practices
- d. Monitor SMPD training to ensure compliance with updated POST **training guidelines**
- e. Ensure timely and accessible local publication of RIPA data findings
- f. Use the findings to inform SMPD policy and practice

2. *What roles do non-governmental groups have in addressing bias?*

Address bias by proxy and co-lead community-wide efforts to promote policing equity

4. *Recommended Next Steps*

- a. Invite SMPD Deputy Chief Darrick Jacob to report on SMPD officer training
- b. Invite SMPD Capt. William Heric to report on RIPA data input, reporting, availability, use

H. RESOURCES

AB 953: *The Racial and Identity Profiling Act of 2015* <https://oag.ca.gov/ab953>

CA Department of Justice Training Center (9260) CA Course Control No: 0260-23360-20 *Final Attendee Presentation Slides 5.25.21.pdf*

Weinberger, G. and Wittig, M. A. (2016) *Policing in Santa Monica: Transparency, Accountability and Oversight.*