



Santa Monica Police Department

Office of Inspector General

INTERIM REPORT ON THE STATUS OF
IMPLEMENTATION OF OIR GROUP MAY
31, 2020 AFTER-ACTION
RECOMMENDATIONS

September 2022



OIR
GROUP

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Introduction

On May 11, 2021, OIR Group presented an independent After-Action report on the events of May 31, 2020, to the Santa Monica City Council. This report included 44 recommendations to improve the City and Santa Monica Police Department's response to future incidents and increase transparency and accountability.

In response, the Council directed the Santa Monica Police Department (SMPD) to report on the status of acceptance and implementation of these recommendations. The Department provided its first response to Council on July 29, 2021, in an "Information Item" that outlined the Department's response to and plans to implement each of the 44 recommendations. In short, the Department reported that it had accepted all of OIR Group's recommendations and expressed its commitment to rebuilding trust with the community by implementing them.

The Department also experienced changes in leadership with the appointment of a new Chief of Police in October of 2021.

And, in the interim, the City established two new mechanisms for oversight of SMPD:

- The Public Safety Reform and Oversight Committee (PSROC) is a committee of 11 community members, appointed by the City Council to evaluate and make recommendations regarding public safety reform and promote interaction, collaboration, and trust between the community and SMPD.
- The Inspector General supports PSROC by reviewing, analyzing, and reporting on policies and practices of SMPD. The City retained OIR Group as its Inspector General.

The PSROC requested OIR Group to report on the Department's progress of the 44 recommendations. We are pleased to report that the Department has completed 29 recommendations and is making progress toward implementation of the remaining 15. This interim report will discuss the recommendations and outline the Department's progress to date.

Recommendation Overview

OIR Group's 44 recommendations covered various topics, including:

- Department leadership considerations
- Policy changes or updates
- Necessary training
- Technology updates
- Review and accountability mechanisms
- Community engagement

Of these, some were immediately actionable by Department personnel, such as adding new language to its crowd dispersal order, while others required longer-term considerations or actions by the Department, such as development and delivery of training. Still others required collaboration and feedback from external parties, such as other City agencies like Public Works or the City Attorney, or from the community at large.

Audit Findings

As noted above, the Department committed to implementation of all 44 recommendations. While the Department self-reported significant progress in its initial report to Council, our charge was to validate that progress through the review of related materials that supported completion of each item.

To that end, we met with various "subject matter experts" from the Department who provided extensive information for our review. After reviewing this evidence, our review found that:

- 29 of the recommendations have been completed by the Department
- 15 of the recommendations are in progress

The audited recommendations are listed below by category. OIR Group's specific findings regarding each recommendation follow the summary table.

Planning and Intelligence Recommendations

Several of the recommendations were related to intelligence, planning, and communication lapses identified in the OIR Group report. To address many of these recommendations, the Department created a formal "Planning and Intelligence Cadre" within the Professional Services Division in October of 2020. The Cadre is considered

as collateral duty¹ for 15 members, who schedule shifts to constantly monitor intelligence sources, such as social media, and create Incident Command plans for planned events.² These recommendations and their status are summarized in the table below.

¹ “Collateral duty” means an assignment that personnel take on or are assigned in addition to their regular duties. Because SMPD is a smaller agency, many officers take on one or more collateral duties. This is commendable but can also lead to burn-out as officers take on multiple roles and responsibilities. And we advise that the Department carefully consider assignments to roles that might conflict; for example, a member of the Planning and Intelligence Cadre is also a highly-trained member of SWAT. When he is assigned to Intelligence during an event, he does not respond to the field with his team.

² The Department plans to reduce the size of this Cadre and place it under the direction of new command staff. The Department contends that a smaller size will allow for closer collaboration, better communication, and more specific responsibilities among Cadre members.

Rec #	Recommendation	Policy or Evidence	Status
2	The Chief of Police should make clear to the Department and City leadership when they will be out of town and clearly designate an Acting Chief in her or his absence.	204.5 - Electronic Mail 701 - Personal Communication Devices	Completed
3	SMPD should develop written protocols to ensure that an operations plan is developed in advance of all potential crowd control situations, establishing expectations for the depth and inclusion as well as a chain of command approval mechanism.	433.5 - Planned Event Preparation Ops Plans are prepared routinely now; length and detail are determined by the nature of the event	Completed
4	SMPD should develop written protocols to ensure timely and thoughtful designation of an incident commander for special operations.	433.5.2 - Operational Plans. IC designation is part of new plans. Rank depends on nature of event, scope, etc.	Completed
5	SMPD should ensure that critical personnel, including those tasked with intelligence gathering and other crucial functions, remain in the City prior to a major incident and are not sent out as part of a mutual aid response or otherwise assigned supplementary duties.	Intelligence Cadre schedule in place to show who is responsible at each time of day. That person does not report out to field even if part of their regular duties.	Completed
6	SMPD should establish a dedicated listserv with "read receipt" functionality for command to receive intelligence briefings in a formal and timely manner and confirm receipt of such information.	Reviewed and discussed.	Completed
26	SMPD should consider who from command-level staff will take on the role of Overall Field Incident Command if the Civil Unrest Annex is activated and train this/these personnel on the requirements and expectations of the plan.	Reviewed ICS plans; overview from Intelligence/Planning Cadre	Completed

27	City leadership, in collaboration with Public Works, should consider determining guidelines for use of barriers in advance of civil unrest, both protective fencing on public and private property and for traffic control, that are practicable and effective.	Reviewed plans from Public Works	Completed
28	City leadership, in collaboration with Public Works, should consider establishing guidelines for use of heavy equipment to support defensive enforcement action.	Reviewed plans from Public Works	Completed
29	SMPD leadership should work with Area A partners to develop solutions to address the bureaucratic challenges exposed on May 31 and ensure an equitable distribution of National Guard assets in future situations involving civil unrest.	Reviewed currently used ICS and Ops Plans showing advanced calls to Area A partners.	Completed
30	SMPD should reach out to other law enforcement agencies who confronted violence and looting in the summer of 2020 and review after action reports from other jurisdictions to identify best practices that could be imported to Santa Monica in responses to future protest activity.	Reviewed and discussed.	Completed
33	The City and SMPD should continue to evaluate and refine the ways it communicates with the Santa Monica community following any significant event involving a police response, guided by principles of transparency, accuracy and objectivity.	Crisis Communication Plan; Community Conversation; Coffee with a Cop series	In Progress

Recommendation 2 deals with communication for intelligence and planning. It requires that the Chief designate and communicate, via email, an Acting Chief. The Department provided an example of an email whereby such a designation was made. SMPD now has the appropriate policy and procedures in place. We consider this recommendation to be completed.³

As detailed in the table above, the majority of these Planning and Intelligence recommendations relate to essential aspects of incident planning and command. The

³ Of course, as with any changed protocol or policy, continued adherence to those written expectations rest with SMPD.

Department provided us with exemplar Operational Plans created and used for various recent events. These included plans for spontaneous events, such as the possibility of unrest after the Derek Chauvin verdict in April of 2021, and plans for pre-planned events, such as an anti-vaccination rally. The Department also provided a plan for a day when multiple events were scheduled to show how resources were assigned to different locations in the City (namely, a pro-Ukraine rally and a Human Rights rally in February of 2022). Finally, the Department provided a plan based on intelligence gathered by the Cadre from social media (posts related to possible looting in the City).

We found these plans, and related written policies, to be responsive to the recommendations as follow:

Recommendation 3 recommends written protocols to ensure that operations plans are developed. These protocols are now explicitly listed in the Department Policy 433.5, “Planned Event Preparation.” The Department reported and the sample plans exemplified that Operations Plans are now prepared routinely. These plans range in length and detail from formal FEMA Incident Command Structure (ICS) plans, which are extremely detailed and include external agencies, to “Event Action Plans” (EAPs) that cover SMPD-specific deployment, such as identification of an incident commander, a briefing, the mission/objectives, communication, location of Command Post, necessary equipment, and assigned personnel. We consider this recommendation to be completed.

Recommendation 4 recommends written protocols to ensure designation of an incident commander. These protocols are now explicitly listed in Department Policy 433.5.2, “Operational Plans.” Here, the designation of “Incident Commander” is explicitly required. The Department shared that the rank of the assigned Incident Commander will vary depending on the nature and scope of event. We consider this recommendation to be completed.

Recommendation 5 recommends that individuals tasked with intelligence gathering remain in the City. The Department shared their current Intelligence Cadre scheduling matrix, which assigns members to the Intelligence function on a rotating basis. The assigned personnel, regardless of his/her regular duties, does not report to the field. Anecdotally, a sergeant from the Cadre who also serves on the SWAT team shared a recent time when he was assigned to the Intelligence Cadre at a time when the SWAT team was called out; he did not deploy with his team but remained in the Intelligence function. We consider this recommendation to be completed.

Recommendation 6 asked the Department to consider “read receipts” for all intelligence briefings. The Department reported that they did implement this functionality for several months. However, it created two challenges: first, a large

volume of “read receipt” emails were generated, clogging the inboxes of those who sent them; second, the relative importance of the intelligence briefing was diminished over time. The Department advised that as a result of these difficulties, it currently limits the “read receipt” functionality for intelligence briefings of high importance. OIR Group will continue to monitor this recommendation and how/when intelligence briefings are rated as “high importance.” We consider this recommendation to be completed.

Recommendation 26 recommended that SMPD consider who would be assigned to Overall Field Command if the City’s Civil Unrest Annex is activated. The Department provided sample plans showing that specific command level staff were assigned to the Incident Commander role in advance, and that a back-up “on-call” commander was also defined if the Civil Unrest Annex were to be implemented. We consider this recommendation to be completed.

Recommendation 27 was one of two recommendations (along with **Recommendation 28**, below) that directed to City leadership to address some of the Department’s challenges in collaborating with Public Works; **Recommendation 27** specifically requested that the City, in collaboration with the Department, determine guidelines for use of barriers in advance of civil unrest, both protective fencing on public and private property and for traffic control, that are practicable and effective. Public Works reported that, for every City-wide event, the “Unified Command” (Office of Emergency Management, Public Works, Fire, and Police) collaborates to prepare an Event Action Plan in which each department details their responsibilities. We reviewed these documents outlining assignments of personnel and resources in advance of possible unrest associated with the trial of Derek Chauvin in Minneapolis and saw evidence of the type of planning and advance coordination needed to mitigate the type of harms experienced on May 31st. In the plans for these incidents, Public Works committed to providing K-rails for barricading, boarding up facilities, performing traffic control, and cleaning up after the events. We consider this recommendation to be completed.

Recommendation 28 specifically recommended that the City, in collaboration with the Department, should consider establishing guidelines for use of heavy equipment to support defensive enforcement action. Here again we reviewed the Event Action Plans for four events. Public Works committed to providing fleet disposal vehicles (that may be used for barricading) and emergency activation vehicles from Public Works that may be used for barricading as a last resort. We consider this recommendation to be completed.

Further, the Department’s response to **Recommendations 27** and **28** acknowledged the need for greater collaboration to obtain resources and access to Public Works

equipment for use in incidents of civil unrest. This was evidenced in the collaborative nature of the Event Action Plans reviewed.

Recommendation 29 recommended that leadership work with Area A partners to develop solutions to any bureaucratic challenges related to equitable resource deployment. The Department reported that these meetings have occurred, with more planned for the future. We reviewed the newest Area A Mutual Aid agreement and found it to be sufficient. The Department also showed currently used ICS and smaller-scale Ops Plans where Area A partners had been called in advance of operations so that mutual aid was “at the ready” in case of need. We consider this recommendation to be completed.

Recommendation 30 recommended that the Department reach out to other law enforcement agencies to review After-Action Reports. The Department reported that it collected and reviewed the After-Action Reports from the New York, Los Angeles, and Chicago Police Departments and the Portland Police Bureau. We consider this recommendation to be completed.

Recommendation 33 recommended that the Department work with the City to continue to evaluate and refine communication. The Department reported that this recommendation is in progress. While they have established a Crisis Communication Plan and re-engaged with community through sessions such as “Coffee with a Cop,” the Department acknowledged that there is more to do with regard to transparency. In an effort to increase transparency, the Department reported that it is actively seeking to make more information available to the public on their Department website. Like other agencies, SMPD would like to post real-time dashboards with data on calls for service, uses of force, complaints, OIR reports, and other categories of interest. We highly support this effort as it directly ties to **Recommendation 33** and the increased need for transparency. We consider this recommendation to be in progress.

Training Recommendations

The training recommendations varied from Department-wide to command-level, and SMPD has responded by providing training to personnel, both that which is required by Peace Officers Standards and Training (POST) and developed in-house to respond to specific needs. These recommendations and their status are summarized in the table below.

Rec #	Recommendation	Policy or Evidence	Status
13	SMPD should conduct regular and ongoing training on use of impact munitions in crowd situations so that all officers trained in the use of these munitions are advised of how to most effectively deploy them and have a clear understanding of Departmental expectations.	Training documents & Attendance log	Completed
16	Training for supervisors on unlawful assembly should emphasize the need to follow Department policy and reach out to event organizers or participants with the goal of gaining voluntary dispersal prior to issuing formal dispersal orders.	Training documents & Attendance log	Completed
19	SMPD should continue to impress upon its supervisors the need to follow all dispersal order protocols before any introduction of less lethal munitions.	433, First Amendment Assemblies	Completed
21	SMPD should continue to provide command level staff with updated training on the ICS so that command staff is knowledgeable about its use and benefits.	Training documents	Completed
22	SMPD should ensure that all command staff personnel are well versed in contemporary crowd control responses, particularly in the First Amendment context.	Training documents, list of organizations	Completed
23	SMPD should continue to regularly train all officers in Mobile Field Force tactics, to include the newest techniques with live, hand-on scenario training and new laws related to First Amendment Assemblies and civil unrest.	"SMPD Training Announcement," SMPD April 2021 Training Curriculum	In Progress
24	SMPD should consider additional Department-wide trainings on topics such as use of de-escalation techniques and other tactics to reduce tension in civil unrest or other similar scenarios.	Training documents & Attendance log	In Progress

25	City leadership (specifically, the Office of Emergency Management) should hold a City-wide training event with all relevant City agencies to review the Civil Unrest Annex so that all agencies are aware of their role and expectations during times of spontaneous civil unrest.		In Progress
36	SMPD should complete the two Department-wide training items identified in the Internal Review Board memo related to uses of force on May 31: (1) review of body-worn camera policy and (2) review of the Department use of force reporting policy.	"Training Bulletin: Body Worn Cameras" 425, Portable Audio/Video Recorders	Completed
37	SMPD should develop and deliver on-going Department-wide training related to documenting and reporting use of force in civil unrest situations or other large-scale incidents, and incorporate body-worn camera procedures and use of force reporting into all department tactical training.	Scribe position assigned and tested	In Progress
38	SMPD should remind all officers – in daily briefings, a Department-wide training or a Training Bulletin, and specifically in briefings prior to any protest activity – of the requirement to activate their body-worn camera generally per policy and during crowd control incidents in specific.	"Training Bulletin: Body Worn Camera"	Completed
42	SMPD should review its systems for supporting officer wellness, including the availability of counselors and other professionals, and should consider ways to encourage officers to take advantage of those programs who may be struggling with the trauma of the events of May 31 and other events of the past year.	Wellness presentation	Completed

Recommendation 13 recommends regular and ongoing training on the use of impact munitions in crowd situations. The Department responded by recruiting and training a new Mobile Field Force “cadre,” to join and supplement its Use of Force Cadre. These Cadres serve two functions.

- **Deployment.** These specialized units deploy to incidents and calls for service where their specific skill-sets are needed (for example, members of the Use of Force Cadre are trained and certified in use of certain less lethal munitions).
- **Train-the-trainer.** Members regularly attend specialized instructor-level training sessions offered nationwide, such as the “Less Lethal and Chemical Agents” training from the National Tactical Officers Association (September 8, 2020) and a “Lessons Learned” presentation from a nationwide expert about the 2020 civil unrest (Winter 2021). Once certified as trainers, the officers train the Department personnel in-house.

Using the “train-the-trainer” model, Department then delivers training to personnel at all levels related to use of less-lethal impact munitions in its on-going Advanced Officer Training detailed below (see **Recommendations 23**). We received and reviewed anticipated and current course outlines for these topics and found them to be aligned with current best-practices related to these topics. We consider this recommendation to be completed.

We did identify one area of possible concern in a 2011 training outline from the National Tactical Officers Association, which discussed firing “skip rounds” into the crowd, noting that it is “difficult to control skip shots.” When asked, the SMPD Training Division responded that the Winter 2021 training did not advise use of any skip rounds. Further, SMPD Training Division reported that SMPD does not have any less-lethal munitions that are intended for use as “skip rounds” – commonly called “wood batons” or “foam” -- in their current less-lethal inventory nor do they train officers to skip fire any type of munition off of the ground.

Recommendation 16 recommended that the Department train supervisors in the need for reach out to event organizers or participants in advance of dispersal orders. First, we saw this requirement in the “Crowd Management and Intervention Control Strategies” matrix, a training document related to Policy 433, “First Amendment Assemblies,” that lists the different actions to be taken, step by step, when managing a crowd event. (e.g., “use organizers and monitors to gain voluntary compliance” is one step in the matrix). We also saw this in practice: several of the example Operation Plans listed above (see Planning and Intelligence) had contact information for organizers and/or a designated “Liaison Officer” and Public Information Officer role. The Department also covered the topic in MFF training and in the Advanced Officer Training detailed later (see Recommendation 23, below). We consider this recommendation to be completed.

Recommendation 19 recommended that the Department continue to train supervisors on the need to follow all dispersal order protocols prior to deployment of less lethal munitions. In addition to including this language explicitly in Policy 433, “First

Amendment Assemblies,” the Department also covered the topic in MFF training and in the Advanced Officer Training detailed later (see **Recommendation 23**, below). We consider this recommendation to be completed.

Recommendation 21 recommended that the Department continue to provide command level staff with updated training on the ICS so that command staff is knowledgeable about its use and benefits. The Department reported that it directed all command level personnel, sergeants and above, to attend Incident Command training sessions offered in the Los Angeles area and taught by FEMA and the Los Angeles Police and Fire Departments. It also recommended that command staff become members in national organizations; the Department reported that command staff are members of organizations such as the California Police Officers’ Association (CPOA), the California Police Chiefs Association (CPCA), Peace Officers Research Association of California (PORAC), Police Executive Research Forum (PERF), The International Association of Chiefs of Police (IACP), the National Tactical Officers Association (NTOA). We consider this recommendation to be completed.

Recommendation 22 recommended that the Department ensure that all command staff personnel are well versed in contemporary crowd control responses, particularly in the First Amendment context. Here again, the Department reported that all command staff attend the Incident Command training sessions regularly, where contemporary crowd management responses are trained and discussed. Membership in national organizations (see **Recommendation 21**, above) and participation in their respective conferences will further their training. We consider this recommendation to be completed.

Recommendation 23 was the most directly relevant to the May 31st unrest and recommended delivery of Department-wide Mobile Field Force (MFF) training. This training was delivered in-person June of 2020 and April of 2021 to 126 officers.⁴ We reviewed the training deck and found the materials to be a refresher on basic MFF definitions, crowd management concepts, and formations. These are consistent with modern-day best-practices but are very basic, and further training is scheduled to expand on the concepts.

The Department has also committed to providing on-going Mobile Field Force training to all personnel during its regular, two-year “Advanced Officer Training” cycle beginning in 2023. This commitment ensures that personnel will have continued and up-to-date training on a regular basis. We will review these training materials when they are available to ensure that they fully cover modern-day crowd management tactics. In

⁴ The Department provided attendance logs for these and all relevant training sessions so that we could confirm that the appropriate personnel had, in fact, received training.

particular, we recommend that the Department train on acceptable uses of force in the crowd control context; this was not explicitly trained in the June 2020 and April 2021 training sessions.⁵ While the general use of force policy applies to all situations, a refresher for use in crowd management is advisable. Because this training has not yet occurred, we deem **Recommendation 23** to be in progress.

Recommendation 24, which recommended Department-wide training on topics such as de-escalation, is also in progress. The Department plans to train on these topics in upcoming training cycles. Because this training has not yet occurred and we have not reviewed materials, we deem this recommendation to be in progress.

Recommendation 25 recommended that City leadership conduct a City-wide training event on the Civil Unrest Annex. The Department reported that the Office of Emergency Management (OEM) held this training in October of 2020, but we did not receive information to review regarding this training. As such, we consider this recommendation to be in progress until we receive more information from City and OEM leadership.

Recommendation 36 recommended completing two actions items that emerged from the Department's own Internal Review Board of the May 31st incident: review of the body-worn camera policy and review of the use of force reporting policy. As we also stated in Recommendation 38, below, the Department issued a Department-wide Training Bulletin regarding the body-worn camera policy and the requirement to activate. We encourage the Department to frequently reference this Training Bulletin in shift briefings and especially in advance of any deployment to major incidents. We consider this recommendation to be completed.

And, as we detail in **Recommendation 37**, below, the Department is currently training officers in the use of force reporting policy. The Department also updated its use of force policy, Policy 303, to require that all uses of force, including those that occur during civil unrest, be accurately reported before the end of an officer's shift (see Training, **Recommendations 34** and **35**).

As such, we consider this recommendation to be completed.

Recommendation 37 recommended that the Department develop and deliver training on documenting uses of force in civil unrest. The Department reported that this recommendation is in progress. The Department reported that it assigned the role of "scribe" to two civilian personnel. In addition to documenting uses of force and counting expended munitions (e.g., canisters), the scribe also documents items of importance,

⁵ Recent changes in state law, have also placed limitations on the use of less lethal munitions in crowd control situations; SMPD should also be trained on the new state law requirements.

such as the time and location of dispersal orders and conversations by command staff and supervisors. The Department has successfully used scribes in all the recent deployments listed above.

However, this new role has not been codified in any policy or procedure. We recommend that the Department formalize this role by including it in the relevant procedure (e.g., its “Use of Force” and/or its “First Amendment Assemblies” policies). We also recommend that the Department create and formalize a training program for this position to ensure that every assigned individual understands the role, purpose, and implementation of the scribe position.

The Department also plans on training personnel to verbalize all force deployments on body-worn cameras when in crowd management incidents (see Recommendation 23 on Advanced Officer Training). Officers are trained to verbally identify their intended target, the subject’s actions that necessitate force, and the outcome.⁶ This direction, and the reminder to activate the body-worn camera, is also included in all new Operations Plans.

We were not provided specific lesson plans that included this training. We look forward to reviewing these materials as they are developed by the Department.

Because these are on-going developments with more work to be done, we consider this recommendation to be in progress.

Recommendation 38 recommends regular and frequent reminders to activate body-worn cameras, especially before deployment to crowd management incidents, the Department issued a Department-wide Training Bulletin regarding the body-worn camera policy and the requirement to activate. We encourage the Department to frequently reference this Training Bulletin in shift briefings and especially in advance of any deployment to major incidents. The Department agrees, and informed us that it is including the body-worn camera reminder in its Operations Plans. We consider this recommendation to be completed.

Recommendation 42 acknowledged the impact of the events of 2020 on officers’ wellbeing and recommended that the Department evaluate its systems for supporting officer wellness. The Department has had a Peer Support Program for over 20 years, supplemented and supported by psychologists and chaplains, to help personnel process trauma and other job-related stressors. Following May 31, 2020, and on its one-year anniversary, the Peer Support Team hosted “group stress debriefs” facilitated

⁶ For example, an officer might state, “the man in the red shirt with a black backpack is actively throwing rocks at the skirmish line. I am deploying one 40mm round. It struck the man on the torso and he fled.”

by licensed professionals. There has been a significant increase in the number of personnel utilizing services from both the Peer Team and licensed professionals since 2020, and the Peer Support Team membership itself has grown by 20% each year.

These are positive and worthy responses to the trauma and stress of a difficult year, but the Department has also sought to take a more proactive approach that looks toward preventing harmful stress responses. In 2020, it created a new Wellness Team that pairs the Peer Support Program with a broader initiative to promote a “culture of wellness” that addresses emotional and mental health as an officer safety issue. We had the opportunity to meet with the Sergeant who leads the Wellness Team and were impressed by his approach to these issues and his passion for delivering his message to the rest of the Department. We consider this recommendation to be completed.

Finally, while not tied to any particular recommendation, we also noted that the Department has implemented new technology to track and report on personnel training status. This technology ensures that officers comply with training requirements, including all in-house training such as Roll Call Briefings. It also allows the Department to accurately report out statistics related to training, as they did for our review. We commend the Training Sergeant for identifying the need for, and implementing, this technology.

Policy Recommendations

Seven recommendations related directly to changes and/or updates to Department policies. The Department reported, and we confirmed, that it has updated their current policies and drafted new language to align with the recommendations. We detail the updates and policy modifications as they pertain to each recommendation below this table.

Rec #	Recommendation	Policy or Evidence	Status
7	The Department should regularly review and update its Mass Booking Procedures policy to ensure that the listed contact information and location and availability of all itemized equipment is current and correct.	901.11, Training and Policy Section 901.12 Policy Review	Completed
11	SMPD should revise its use of force policies to either specially define “riotous” or eliminate the terminology from its policies.	433, First Amendment Assemblies	Completed

Rec #	Recommendation	Policy or Evidence	Status
12	SMPD should amend its policy to provide further guidance regarding deployment of less lethal munitions, particularly to guard against injuries to the face and head.	303, Control Devices and Techniques	Completed
17	In crafting dispersal orders to instruct crowds about the routes of egress from a protest, SMPD policy and training should require officers to consider conditions such as traffic and officer deployment to ensure the feasibility and safety of any direction provided about dispersal routes.	433, First Amendment Assemblies	Completed
18	SMPD policy and training regarding dispersal orders should be revised to require personnel officers to include express warnings about the potential use of force should the order be defied.	Dispersal order cards	Completed
34	SMPD should develop and approve a use of force reporting policy/procedure requiring officers to document force used in civil unrest situations, or any circumstance where the subject of a use of force cannot be identified, and make clear that in crowd control situations, officers are expected to document all reportable force, including each deployment of less lethal munitions.	303, Use of Force	Completed
35	SMPD should revise its force reporting policy to require that all documentation of use of force be completed prior to an officer completing her/his shift and entrust supervisors to enforcement of this policy.	303, Use of Force	Completed

Recommendation 7 recognized the new policy on Mass Booking Procedures, Policy 901, the Department created and implemented in the months after May 31, 2020 (and well before the OIR Group report). The written procedures are commendably detailed, including requirements like obtaining contact information and itemized lists of equipment, and our recommendation focused on the need regularly update the policy to account for changes. The Department asserts in its response that the policy will be reviewed every two years. The Department’s commitment to regular review, and assignment of the task to a particular officer responsible for police and procedures updates in the Personnel and Training Unit (within the Professional Standards Section), is sufficient to consider this recommendation to be completed.

Recommendation 11 recommended revising the use of force policy to either specifically define “riotous” or remove the word. We reviewed Policies 303 and 433, “Use of Force” and “First Amendment Assemblies,” and confirm that the Department removed the word “riotous” and replace it with “civil unrest.” We consider this recommendation to be completed.

Recommendation 12 recommended providing further guidance on deployment of less lethal munitions. We reviewed Policy 303 and found that the Department updated the target areas that “shall be avoided” to include the spine and groin. We consider this recommendation to be completed.

Recommendation 17 recommends that the Department update its Dispersal Order policy to include information about safe routes of egress. We reviewed Procedure 433.0.3, First Amendment Assemblies – Santa Monica Dispersal Order, and found that the new policy, and the related “Dispersal Order Card,” includes this language. We consider this recommendation to be completed.

Recommendation 18 recommends that the Department update its Dispersal Order policy to include warnings about the possible use of and injury from less-lethal munitions. We reviewed Procedure 433.0.3, First Amendment Assemblies – Santa Monica Dispersal Order, and found that the new policy, and the related “Dispersal Order Card,” includes this language. We consider this recommendation to be completed.

Recommendation 34 recommends development of a use of force reporting policy/procedure. The Department updated Procedure 303, Use of Force, to require that officers document and report all uses of force in all situations, *including civil unrest*. We consider this recommendation to be completed.

Recommendation 35 recommends revising the reporting policy to require that all force reports must be completed before the officer’s end of shift. The Department updated Procedure 303, Use of Force, to require that officers document and report all uses of force *before their end of shift*. Further, supervisors are required to complete their reviews of force reports before the end of the work week.

We discussed the related practical application of use of force reporting and tracking in Training, above. We consider this recommendation to be completed.

Accountability, Audit and Oversight Recommendations

Eight recommendations related to issues of accountability, on-going auditing, or oversight. These are summarized in the following table, and individually discussed below the table.

Rec #	Recommendation	Policy or Evidence	Status
8	SMPD should develop a tracking mechanism, such as a log for less lethal munitions, specifically to track how many of which types of munitions are used and by whom.	303, Control Devices and Techniques	In Progress
9	SMPD should examine the use of the flashbang device on May 31 through the lenses of accountability, advisability, and remediation.	303, Control Devices and Techniques	Completed
10	SMPD should conduct a detailed analysis regarding whether the Pepperball deployments on May 31 were consistent with Department policy and expectations.	Training Docs & Attendance log	In Progress
39	SMPD should identify and consider appropriate remediation for those officers who failed to comply with the Department's body-worn camera policy on May 31, 2020.	IRB process under consideration	Completed
40	SMPD should regularly audit body-worn camera use by officers to ensure that policy requirements and expectations are being met in the field regarding activation.	425.10, Review of Recordings	In Progress
41	SMPD should conduct and document a meaningful administrative review of officers' uses of force following civil unrest situations or other large-scale incidents and should consider "investigative referral" of specific uses of force that may be out of policy or require specific remedial action.	IRB process under consideration	In Progress
43	The City should request that SMPD prepare a response to this report indicating the degree to which it accepts each of the recommendations made and setting out a plan for implementation.		Completed
44	The City should develop a plan for independent evaluation and public reporting on the status of SMPD's implementation of the recommendations.	OIR Group Interim Report	Completed

Recommendation 8 recommended an on-going tracking mechanism for less lethal munitions. As we detailed above in both the Training and Policy sections, the Department reported that it now includes a scribe function in all crowd management deployments. One function of the scribe is to document uses of force. And, to the extent possible, the scribe will collect and count expended less-lethal cartridges. While this somewhat addresses the recommendation in practice (assuming it is used effectively), we found that the Department has not yet documented/defined the new role in policy or procedure.

As a result of Assembly Bill 481, a state-wide law that requires all law enforcement agencies to publish a full account of their military weapons, the Department recently conducted a comprehensive inventory of current munitions and developed a new policy for reporting use and inventory annually that, per statute, requires City Council approval. The consideration by Council is pending.

The Department also reported that it is developing a worksheet for officers to individually count munitions in their own inventory to better track what each officer carries into the field.

Because these items are still in development, we consider this recommendation to be in progress.

Recommendation 9 recommended that the use of the flashbang device on May 31st be reviewed. The Department reported that the officer who used the device was immediately counseled in the field; we observed this “counseling” on body-worn camera footage of the day. More importantly with an eye to the future, the Department updated Procedure 303 to prohibit the use of flashbangs (also known as noise-flash distraction devices, or NFDD) on persons in a crowd.

While we would have preferred a more formal remediation for use of the device, as we detail in our discussion of Recommendation 41, below, we consider this recommendation to be completed.

Recommendation 10 recommended that the Department conduct a detailed analysis of Pepperball deployments on May 31st. To date, we have not received any such analysis so consider this recommendation to be in progress.

Recommendation 41 is also a work in progress. We recommended that the Department conduct a “meaningful administrative review” of all force used on May 31st. In our original report, we commented that the findings of the Internal Review Board (IRB) held by the Department after May 31st, were too broad and lacked accountability for officers’ specific actions.

The Department reported that upon receiving our recommendation, it conducted a secondary review of all available body-worn camera footage. After that review, the Department informally reported to OIR Group that it did not observe any incidents on May 31st that rose to the level of misconduct. To date, the Department has not provided any documentation of this secondary review to OIR Group but has committed to evaluating May 31st uses of force.

But perhaps the more important aspect today is the Department's commitment to its IRB process, a process that is designed to hold officers accountable for their actions, whether the "accountability" is formal discipline, directed training, or documented counseling. Department leadership reported that it is currently working to reform the IRB process. These updates will ensure that the Department has an adequate "feedback loop" to ensure that their recommended actions were taken and create a more robust review system.

Because this is an on-going process, we consider these recommendations to be in progress.

Recommendation 39 recommended "appropriate remediation" for officers who failed to activate their body-worn cameras. The Department reported that the remediation was training. And, as described in **Recommendation 38** in Training, the Department completed this training Department-wide. While it would have been preferable for the Department to direct training for the specific officers who failed to activate their body-worn cameras on May 31st, we consider this recommendation to be completed.

Recommendation 40 recommended regular audits of body-worn cameras. The Department reported that, per its existing policy (425.10, "Review of Recordings") supervisors are required to conduct monthly, random body-worn camera audits. Unfortunately, the Department does not currently have a system in place to verify that supervisors are conducting these audits on a regular basis. The Department was candid in its admission that it could do better on this score, while also asserting that supervisors are regularly viewing body-worn video in their review of force incidents or public complaints.

New technology – an equipment upgrade of the body-worn camera itself to a new model and of Department technology systems that the Department's technology officer demonstrated for OIR Group – will enhance the ability to audit and review body-worn camera footage. When the new systems are fully functioning, the Department will have a mechanism to easily and formally confirm that supervisors are performing regular audits in accordance with SMPD policy. We noted that the Department is ahead of other jurisdictions in technology enhancements, especially those related to body-worn

cameras. We consider this recommendation to be in progress and look forward to reviewing the Department’s new systems when they are in place.

Recommendation 43 recommended that SMPD prepare a response to our May 31st Report, indicate the degree to which it accepted each of the recommendations made, and set out a plan for implementation. This recommendation was completed by creation and presentation of the Information Item delivered in July 2021 and by collaborating on this public report. We consider this recommendation to be completed.

Recommendation 44 recommended that the City develop a plan for independent evaluation and public reporting on the status of SMPD’s implementation of the recommendations. That has been fulfilled by this document – a useful starting point for our work on this report, and for our ongoing validation efforts. We consider this recommendation to be completed.

Community Engagement Recommendations

Four of the recommendations required that the Department seek community input regarding decisions on use of tear gas, declaration of an unlawful assembly, use of curfews, and communication. Department leadership reported that it is actively seeking a Project Manager to manage the community engagement aspect of these recommendations so that the community is given an opportunity to collaborate and provide insight.

Rec #	Recommendation	Policy or Evidence	Status
14	SMPD should engage with its community and City leaders to determine whether and to what degree gas and other less lethal munitions should be used in the First Amendment activity context.		In Progress
15	After having the above discourse, SMPD should revise its use of force policy related to deployment of tear gas and less lethal impact munitions in crowd control situations to specify the circumstances, if any, under which they may be used.	303, Control Devices and Techniques	In Progress

20	SMPD and the City should engage with the community as it considers the circumstances required for a public protest to be declared an unlawful assembly. The resulting guidelines should be publicized in a way that provides City residents and stakeholders a clear understanding of under what circumstances the SMPD will declare an unlawful assembly.		In Progress
32	The City should engage with its community in developing guidelines on whether and how curfews should be deployed, particularly when adjacent to First Amendment protected activity.		In Progress

Recommendation 14 recommended that the Department engage with its community and City leaders to determine whether and to what degree gas and other less lethal munitions should be used in the First Amendment activity context. The Department reported that it is currently working to retain a community engagement specialist/facilitator who will manage this community outreach/conversation process. We consider this recommendation to be in progress.

Recommendation 15 recommended that, after completing the community engagement listed in **Recommendation 14**, the Department should revise its use of force policy to incorporate the community’s feedback, specifically as it relates to deployment of tear gas and less lethal impact munitions in crowd control situations; we note that the Department has already made some revisions to the related policies (see **Recommendations 11, 12, 17, and 18**), but the community outreach piece has not yet occurred. The Department expressed its commitment to further revisions and, again, is in the process of retaining a facilitator to manage the outreach process. We consider this recommendation to be in progress.

Recommendation 20 recommended that the Department and the City should engage with the community as it considers the circumstances required for a public protest to be declared an unlawful assembly and publicize the resulting guidelines in a way that provides City residents and stakeholders a clear understanding of under what circumstances the SMPD will declare an unlawful assembly. The Department expressed its commitment to creating these guidelines in collaboration with the City Attorney’s Office, PSROC, and the community. The Department reported that, here, too, it will use the facilitator to manage the community outreach process, which is the first step to this recommendation. We consider this recommendation to be in progress.

Recommendation 32 recommended that the Department engage with its community in developing guidelines on whether and how curfews should be deployed, particularly when adjacent to First Amendment protected activity. The Department reported that the City Attorney's Office is also participating in completion of this recommendation by conducting outreach and legal research on the topic of curfews. Here again, the Department plans on using their community outreach facilitator, when hired, to help complete this recommendation. We consider this recommendation to be in progress until we receive more information from the City Attorney's Office and the Department.

While community engagement specifically applies to these four listed recommendations, the Department may choose to elicit community input on other items as well.

Next Steps

We appreciate the progress that SMPD has made in implementing the 44 recommendations and look forward to receiving additional information regarding implementation of the outstanding recommendations as it becomes available.

