



CITY COUNCIL Staff Report

Meeting Date: Aug. 18, 2020

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Celia Brewer, City Attorney
celia.brewer@carlsbadca.gov, 760-434-2891
Mickey Williams, Assistant Police Chief
mickey.williams@carlsbadca.gov, 760-931-2131
Judy von Kalinowski, Human Resources
judy.vonkalinowski@carlsbadca.gov, 760-602-2440
Sheila Cobian, Assistant to the City Manager
sheila.cobian@carlsbadca.gov, 760-434-2820

Subject: Presentation on Police Use of Force and Police Officers Bill of Rights and Discussion of Citizens Review Committee on Police Practices and Procedures

Recommended Action

Receive a presentation on police use of force and the Police Officers Bill of Rights and discuss background information regarding the formation of citizens review committees on police practices and procedures.

Executive Summary

The City Council voted on June 23, 2020, to place on a future agenda a presentation on police use of force and the Police Officers Bill of Rights and to have a discussion on background information on citizens review committees on police practices and procedures.

Discussion

Guiding principles

Carlsbad Police officers are guided by a reverence for human life in all investigative, enforcement, and other interactions between the department and members of the community. The police department is committed to providing peace officers with the training, equipment and resources necessary to foster peaceful resolutions.

Each situation an officer responds to is unique. When officers are called upon to respond to a crisis or criminal acts, they will, if reasonable under the circumstances, use tactics and techniques to persuade the individual to voluntarily comply or that reduce the need for more physical tactics to resolve the situation safely. Some situations require an immediate response, while others may allow officers the opportunity to communicate with the individual, refine tactical plans, and, if necessary, call for additional resources. When reasonable opportunity

exists, Carlsbad Police officers should consider the concepts of pre-engagement, de-escalation and disengagement.

Legal guidance and department policies on the use of force

The overarching guidance in evaluating whether police use of force was legal is provided in the landmark case of *Graham v. Connor*, 490 U.S. 386 (1989). In this case, the U.S. Supreme Court ruled that all claims of excessive force by law enforcement are properly reviewed under the Fourth Amendment's "objective reasonableness" standard. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must allow for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.

The Carlsbad Police Department's use of force policy defines force as, "the application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained."

Deadly force is defined by the California Penal Code as any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.

The use of force policy is based on relevant statutes and case law. It states,

"Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. ...

"The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving."

The policy also lists the factors officers should consider in deciding when it is reasonable to use force:

"When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- a) The apparent immediacy and severity of the threat to officers or others.
- b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- d) The conduct of the involved officer.
- e) The effects of drugs or alcohol.

- f) The individual's apparent mental state or capacity.¹
- g) The individual's apparent ability to understand and comply with officer commands.
- h) Proximity of weapons or dangerous improvised devices.
- i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- j) The availability of other reasonable and feasible options and their possible effectiveness.
- k) Seriousness of the suspected offense or reason for contact with the individual.
- l) Training and experience of the officer.
- m) Potential for injury to officers, suspects, and others.
- n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- o) The risk and reasonably foreseeable consequences of escape.
- p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- r) Prior contacts with the subject or awareness of any propensity for violence.
- s) Any other exigent circumstances."

Under department policy, an officer's use of deadly force is only justified when it is done to:

- "Protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury"
- Apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended

When feasible, officers must make reasonable efforts to identify themselves as peace officers and to warn that deadly force may be used, unless an officer has objectively reasonable grounds to believe the other person is aware of those facts.

The policy recognizes that shooting a gun at or from a moving vehicle is rarely effective.

"Officers should move out of the path of an approaching vehicle instead of discharging their firearm(s) at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle."

¹ This refers to the individual's apparent ability to understand and comply with officer commands.

Documentation and oversight

The policy also requires swift documentation of any uses of force:

“Any use of force by a member of the department must be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer is required to articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.”

The policy lists the circumstances in which officers are required to notify their supervisors of the use of force:

“An officer who uses force must also provide notification to a supervisor as soon as practicable following the application of force in any of the following circumstances:”

- a) The application caused a visible injury.
- b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- c) The individual subjected to the force complained of injury or continuing pain.
- d) The individual indicates intent to pursue litigation.
- e) Any application of a TASER device or control device.
- f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- g) The individual subjected to the force was rendered unconscious.
- h) An individual was struck or kicked.
- i) An individual alleges any of the above has occurred.”

The department’s policy also details the specific tasks required of a supervisor after being informed of an officer’s use of force.

“When a supervisor is notified of an incident involving the use of force, the supervisor is required to respond to the incident and is expected to perform the following tasks:

- a) Obtain the basic facts from the involved officers. ...
- b) Ensure that any injured parties are examined and treated.
- c) When possible, separately obtain a recorded interview with the subject(s) upon whom force was applied. ...
- d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. ...
- e) Identify any witnesses and ensure that all witnesses are interviewed.
- f) (Ensure) that all reports are reviewed and approved by a supervisor.
- g) Evaluate the circumstances surrounding the incident and complete a Supervisor’s Complaint Summary report ... if there is a question of policy noncompliance or if for any reason further administrative investigation may be appropriate.
- h) Prepare a Supervisor’s Use of Force investigation report. ... This report shall be reviewed and approved by another supervisor.”

Each use of force described above is then reviewed by the employee’s lieutenant and captain to ensure compliance with department policy and applicable law and to identify training issues or opportunities as well as any trends involving the use of force.

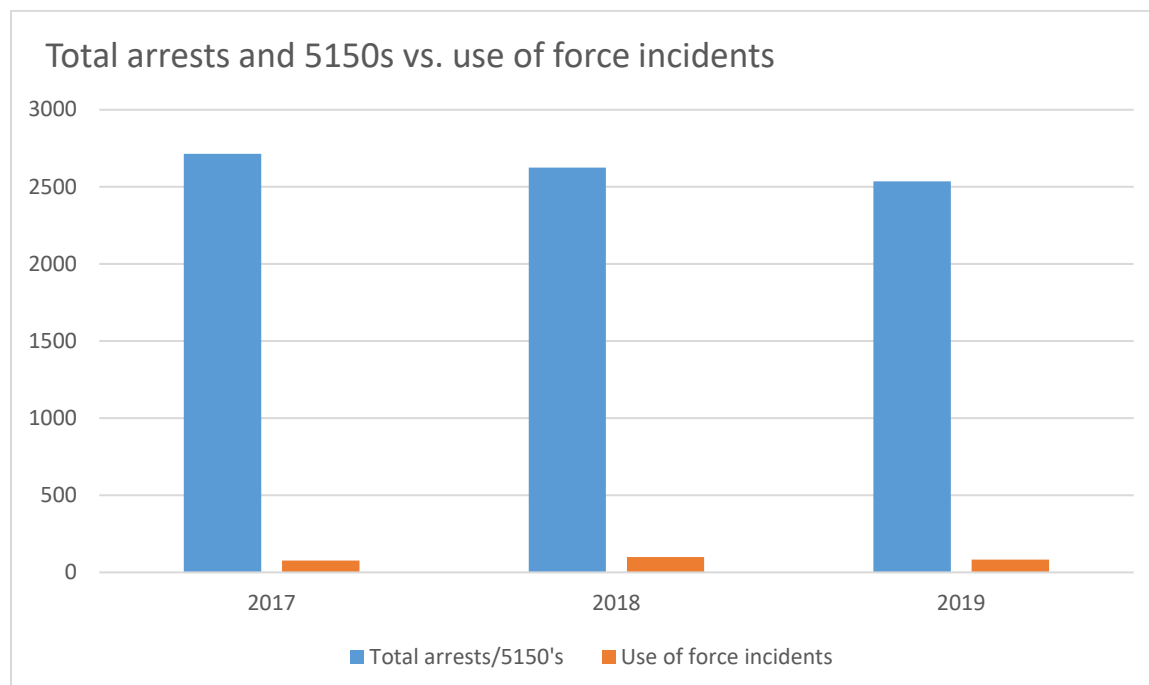
Officers’ duty to intercede

Department policy requires any officer present and observing another officer using force “that is clearly beyond that which is objectively reasonable under the circumstances, when in a position to do so, (to) intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law must promptly report these observations to a supervisor.”

Carlsbad police use of force statistics

Department arrest and use of force statistics show that the department averages about 2,000 arrests per year² approximately 546 detainments for Health and Safety Code Section 5150³, and approximately 3% of those arrests and 5150s involve a use of force incident.⁴ It should be noted that the department handles approximately 100,000 incidents per year.⁵ Therefore, the percentage of the total police incidents between 2017-2019 that involved a use of force was about .08%.

The statistics also show that over this time period there has been an increase in the number of incidents handled by the department, but a general trend towards a reduction in total number of arrests.

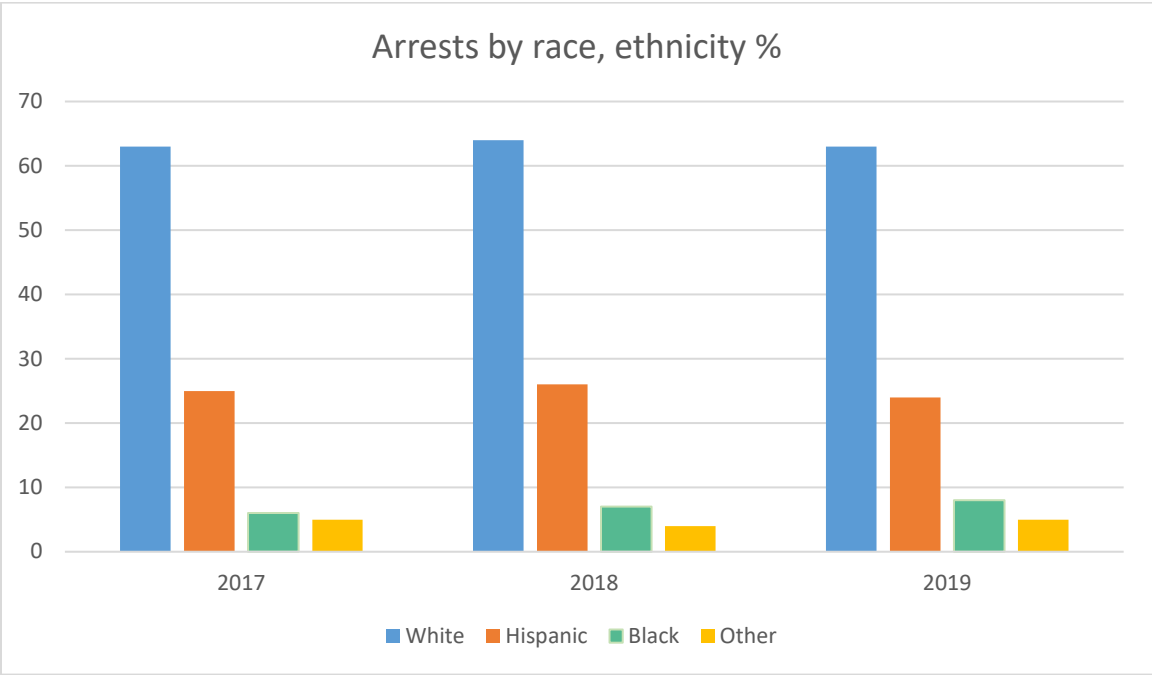


² Total arrests were 2,202 in 2017, 2,070 in 2018 and 1,964 in 2019.

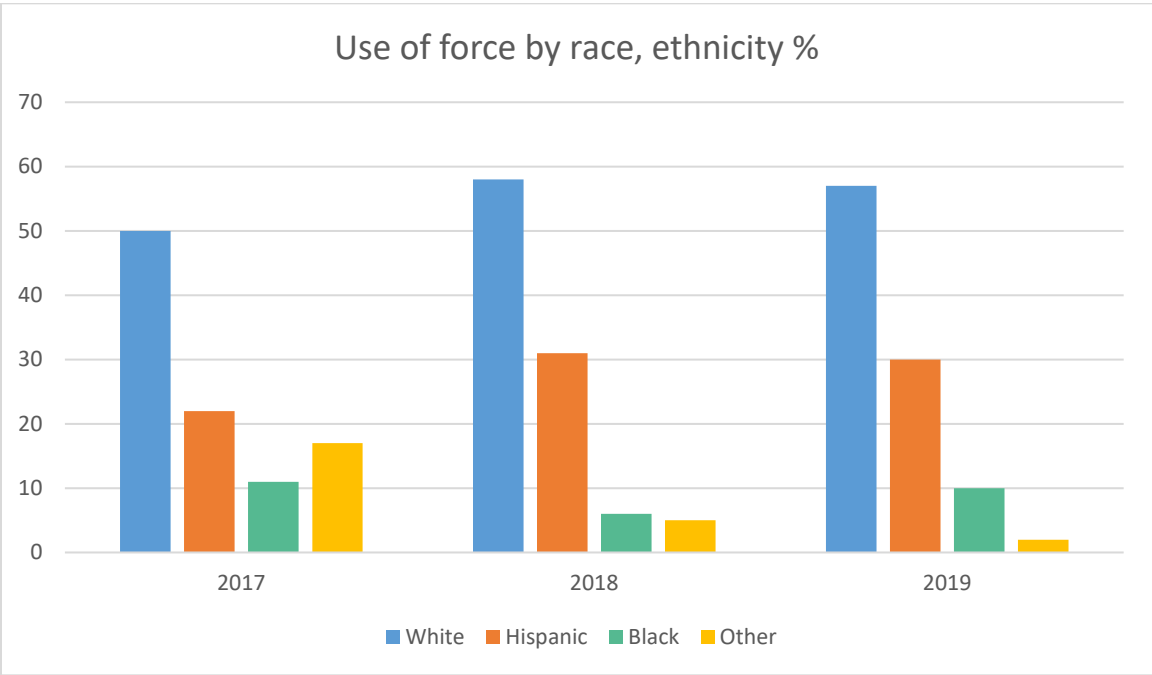
³ Total 5150’s were 512 in 2017, 555 in 2018, and 572 in 2019.

⁴ Total use of force incidents were 76 in 2017, 76, 99 in 2018 and 82 in 2019.

⁵ Total incidents handled by department were 90,760 in 2017, 99,421 in 2018 and 112,323 in 2019.



When reviewing use of force incidents with respect to race and ethnicity, we found our use of force incidents between 2017 and 2019 involved arrestees who were 55% White, 28% Hispanic, 9% Black, and 8% other.⁶



⁶ Total use of force incidents by race per year. (2017) White 38, Hispanic 17, Black 8, Other 13. (2018) White 57, Hispanic 31, Black 6, Other 5. (2019) White 47, Hispanic 25, Black 8, Other 2.

Between 2017 and 2019, the department was not involved in any use of force incident resulting in the death of the arrestee, or an injury to an arrestee that required hospitalization. Statistics on injuries sustained by an arrestee during a use of force incident show that 16% of these arrestees required medical treatment at a hospital, 23% were treated at the scene and 60% required no medical treatment.

Department training and the future of crisis management

Effective officer training plays an essential role in mitigating the need for the use of force, and in its appropriate implementation. The department has provided officers with training on de-escalation and crisis intervention for many years. This training is frequently incorporated in the quarterly defensive tactics training. Additionally, every two years every officer is provided two hours of tactical communications training by department-trained instructors. This training focuses on using verbal communication that helps officers stay calm and professional in challenging confrontational situations and often times results in voluntary compliance.

In 2016 and 2017, the department contracted with an outside training vendor to provide eight hours of crisis intervention and behavioral health training to each officer. Since then, the department has sent new officers at the department to an eight-hour Psychiatric Emergency Response Team behavioral health training course. This year, working in conjunction with the San Diego District Attorney's Office, Carlsbad Police have created an eight-hour California Peace Officers Standards and Training-certified de-escalation course that is intended to be provided to all of the department's officers in late 2020 or early 2021, with Carlsbad police officers trained to provide the instruction.

Additionally, this certified in-house de-escalation course will be available to train new officers to the department or to provide additional or remedial training as necessary to existing officers. This training will also implement the San Diego Countywide Crisis Management Philosophy; Considerations for De-escalation, which was implemented into Carlsbad Police Department policy in June.

The department is in the process of modifying our current training practices to eliminate training "silos" and instead focus on providing comprehensive crisis management training, employing the best practices from each training specialty, as appropriate for the specific circumstances of an incident.

The department's strategy is to give our officers training that will encourage and enable them to think dynamically and give them the skill sets that will increase the likelihood of peaceful outcomes in challenging situations.

Public Safety Officers Procedural Bill of Rights Act

Overview

The Public Safety Officers Procedural Bill of Rights Act is a state law that outlines procedural rights that an employer must give to public safety officers under two specific conditions: when those officers are subject to interrogation or discipline.

The act applies only to employees that the Penal Code defines as "peace officers." For practical purposes, that means it covers all of the following: local city police officers; police chiefs, county

deputy sheriffs, state police officers, California Highway Patrol officers, welfare investigators and peace officers hired by the California State University and University of California systems. It covers all sworn police officers in the Carlsbad Police Department.

Peace officers have rights under this law when an officer is at risk of disciplinary action resulting from an interrogation. "Disciplinary action" is broad and includes dismissal, demotion, suspension, reduction in salary, written reprimand or transfer, if that transfer is intended as punitive.

Peace officers do not have rights under the law when an interrogation occurs during an officer's normal course of events, for example, during normal duty, counseling or instruction. These rights also do not apply during a supervisor's informal, verbal admonishment, or during routine or unplanned contact with a supervisor.

Rights to representation, against self-incrimination and to privacy

Peace officers have the right to representation during an interrogation.⁷ The employer must also provide the peace officer with reasonable advance notice of the nature of the investigation before an interrogation.

When an employer interrogates a peace officer and it appears the officer may be charged with a criminal offense as a result of the misconduct or the officer refuses to answer questions on the grounds that the answers may be self-incriminating,⁸ the employer must tell peace officers that they have the right to remain silent, but their silence constitutes insubordination and will give rise to administrative discipline. Further, any statement they make under these circumstances would not, and could not, be used against them in any subsequent criminal proceeding.

During an investigation, the law prohibits an employer from loaning, or temporarily reassigning, an officer to a location or a duty assignment if a sworn member of the peace officer's department would not otherwise be so assigned under similar circumstances.⁹

The law also gives peace officers a protected right to privacy.¹⁰ This prevents an employer from subjecting an officer to the news media without the officer's express consent. An employer may not, for example, divulge an officer's home address or provide a copy of an officer's photograph.¹¹

Investigation and discipline timelines, rights to appeal

The employer must complete its investigation into any alleged misconduct and notify the officer of a proposed disciplinary action within one year of the employer's discovery of this misconduct. A "discovery" occurs when an individual with investigative authority either realizes, or should have realized, that the misconduct transpired.

The employer does not have to impose discipline within that one-year time period. The employer must simply conclude its investigation within the year and advise the officer of its

⁷ Cal. Gov. Code § 3303(i).

⁸ Cal. Gov. Code § 3303(e) and (h).

⁹ Cal. Gov. Code § 3303(j).

¹⁰ Cal. Gov. Code § 3303(e).

¹¹ Cal. Gov. Code §§ 3253(e)(2) and 3303(e).

intent to discipline within one year. The employer has an obligation to notify the officer of its final decision to impose discipline within 30-days of its decision to do so.¹² That means once the employer decides the level of discipline it intends to impose, it has 30 days from that point to notify the peace officer in writing.

The law provides that any peace officer who has successfully completed his or her probationary period must receive an “opportunity for administrative appeal” whenever a “punitive action, (or) denial of promotion on grounds other than merit” occurs. Officers may also appeal limitations the employer imposes on their authority to carry weapons and make arrests, including the reasons an employer documents in officers’ personnel files. Notably, peace officers can appeal advisory citizens’ law enforcement review board decision.

The peace officer appeals a disciplinary decision through the local, administrative process. The employer’s rules and procedures govern the hearing.¹³ The law does not prescribe hearing procedures, but it implies that such procedures should comport with fair play and due process standards as appropriate to the seriousness of the charges. Peace officers are routinely represented by a lawyer during the investigation process and during the appeals process.

Confidentiality of peace officer personnel files

Generally speaking, peace officers’ personnel files are confidential unless a court orders their disclosure. The California Penal Code¹⁴ describes the following as confidential: personal data (marital status, family members, educational history, etc.); medical history; employee benefits; employee advancement, appraisal, or discipline; complaints or investigations of complaints. Personnel records retain their confidential status even after a peace officer retires.

Non-confidential information includes a peace officer’s name, employing agency, employment dates, an accident involving the discharge of a firearm at a person, and a use of force resulting in death or great bodily injury. These later categories can be disclosed under a Public Records Act request.

The right to respond

Both actively employed and former peace officers have a right to review adverse comments entered into their personnel files.¹⁵ The officers then have thirty days to file a written response. Courts have found that a citizen complaint qualifies as an adverse comment, which requires the peace officer’s review before the complaint becomes part of that officers’ personnel file.

Citizens review committees on police practices and procedures

Overview

Civilian oversight of police departments has been a recurring topic of discussion and debate in the United States since the 1960’s. There are three basic models of civilian oversight:

1. Auditor/monitor. The auditor/monitor model focuses on making broad organization-level recommendations by reviewing patterns in complaint investigations, police policies,

¹² Cal. Gov. Code, § 3304(f).

¹³ Gov. Code, § 3304.5.

¹⁴ Cal. Pen. Code § 832.8

¹⁵ Cal. Gov. Code §§ 3305 and 3306.

practices or training. Some auditor/monitor models also review open internal investigations.

2. Review-focused. The review-focused model usually consists of citizen volunteers who focus on improving community-police relations by providing a forum for members of the public to comment on police conduct, practices and policies. This model may also review and comment upon completed investigations, request further investigation be conducted, and make recommendations to police executives.
3. Investigation-focused. An investigation-focused model involves non-police civilian investigators, often assisted by non-police city staff, conducting routine, independent investigations of complaints against police officers. The board or commission generally makes findings of fact and conclusions about whether alleged misconduct occurred and whether it constituted a violation of law or police departmental rules. This process may replicate the existing police department’s internal affairs process. Due to the legal complexities and the significant amount of resources necessary to establish and maintain this model, it is more common in large jurisdictions or those that have experienced significant issues surrounding the use of force.¹⁶

Some oversight boards contain aspects of each of the three models. It is uncommon for an oversight board to include the power to recommend or impose discipline. However, each model usually includes the ability to provide input on policy to elected officials.

Examples of committees around the state

Staff surveyed San Diego County cities as well as some other cities throughout the state that have established citizens review committees on police practices and procedures. The results of the survey are reflected below and detailed in Exhibit 4:

City	Type of committee or commission
Anaheim	Police Review Board
Berkeley	Police Review Commission
Burbank	Police Commission
Chula Vista	Community Advisory Committee
Davis	Police Accountability Commission
Inglewood	Citizen Police Oversight Commission
Long Beach	Citizen Complaint Commission
National City	Community & Police Relations Commission
Oceanside	Police and Fire Commission
Riverside	Community Police Review Commission
Sacramento	Sacramento Community Police Review Commission
San Diego	Community Review Board on Police Practices
Tulare	Citizen Complaint Police Review Board
*County of San Diego	Citizens Law Enforcement Review Board

* Provides law enforcement services to cities throughout San Diego County.

¹⁶ Stephens, Darrel W., Ellen Scrivner, and Josie F. Cambareri. 2018. *Civilian Oversight of the Police in Major Cities*. Washington, DC: Office of Community Oriented Policing Services.

The National City Community and Police Relations Commission and the Burbank Police Commission provide useful examples of two types of police oversight boards.

National City Community and Police Relations Commission

The National City Community and Police Relations Commission consists of eight members appointed by the mayor and subject to council confirmation. At least five members must be residents of the city and as many as two may be non-residents. One of the eight members must be a member of the National City Police Officers' Association, however, that member may not vote.

The commission's mission is threefold, to:

1. Provide a forum for citizens to voice their concerns about police conduct, practices, and policies.
2. Examine police practices and policies as they pertain to conduct issues.
3. Identify opportunities to ameliorate adversity between the police department and citizen complainants.

The commission's powers include:

- Receiving and monitoring or investigating citizen complaints regarding police conduct, but without interfering with the administration of the police department.
- Requesting and receiving supplemental information from the police department on citizen complaints and such other matters as the commission may request.
- Allowing parties the opportunity to mediate their disputes.
- Advising on police department operations and making recommendations on police policy issues.
- Conducting investigations and holding public hearings. This includes the power to examine witnesses under oath and compel their attendance or the production of evidence by issuing subpoenas.

This is the review-focused approach, intended to improve community-police relations.

Burbank Police Commission

The Burbank Police Commission consists of five members appointed by the City Council. The stated mission of the commission is to "provide civilian oversight to advocate for best law enforcement policies for the greater good of the Burbank community" and to "monitor the Burbank Police Department to achieve and maintain a culture of respect and professionalism through accountability and transparency in all its actions."

The commission meets regularly to provide community input and feedback on policies and issues within the community.

The commission has the power to:

- Initiate studies and surveys in the general field of police science and law enforcement and report its findings and recommendations to the council

- Conduct hearings, investigations, or both, at the request of the council for the purpose of ascertaining whether additional legislation is needed for the health, safety, peace and welfare of the inhabitants of the city and to make findings and recommendations to the council
- Act in an advisory capacity to the council on policy matters pertaining to the police department of the city
- Receive complaints, except those relating to traffic engineering, pertaining to the police department and law enforcement in general
- Examine books, papers, records and accounts in the police department, other than confidential matters under investigation

The City of Burbank’s commission follows the auditor/monitor model. It does not conduct hearings or investigations into individual incidents and is instead focused on making broad policy-level recommendations. However, the City of Burbank also contracts with the Office of Independent Review to provide an additional level of oversight and independent monitoring of the police department. The Office of Independent Review was retained in 2012 after controversies regarding the police department.

In addition to the commission’s role, the Office of Independent Review conducts individualized and random reviews of law enforcement incidents and presents an annual report at a joint meeting of the City Council and the Police Commission. The police department provides the office with full access to all investigative files under review. The office’s review includes an assessment of the adequacy of the police department’s investigation into an incident and the appropriateness of the findings and action taken by the police department in response to the investigation. For example, the office reviews and reports on all uses of deadly force, all complaints of bias in policing and a fourth of all cases involving the use of force, chosen at random.

Fiscal Analysis

This agenda item is for discussion only, so there are no fiscal impacts at this time.

Environmental Evaluation (CEQA)

This action does not constitute a “project” within the meaning of the California Environmental Quality Act under Public Resources Code Section 21065 in that it has no potential to cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and therefore does not require environmental review.

Public Notification and Outreach

Public notice of this item was posted in accordance with the Ralph M. Brown Act and it was available for viewing at least 72 hours prior to the scheduled meeting date.

Exhibits

1. City of Carlsbad Police Department Policy 300 – Use of Force
2. Carlsbad Special Order 2020-04 – Considerations for De-Escalation
3. Police Officers’ Bill of Rights
4. Citizens Review Committees on Police Practices and Procedures Survey

Carlsbad Police Department Policy Manual Special Order 2020-03

Pursuant to Carlsbad Police Department Policy 300, this Special Order becomes effective June 4, 2020.

USE OF FORCE POLICY 300

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties. Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties. The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to

accomplish a legitimate law enforcement purpose (Penal Code § 835a). The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving. Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose. While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer (Penal Code § 835a).
- (e) The effects of drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).

- (k) Seriousness of the suspected offense or reason for contact with the individual.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Carlsbad Police Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers should evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force. The use of deadly force is only justified in the following circumstances (Penal Code § 835a):

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, the officer shall, prior to the use of force,

make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts. Officers shall not use deadly force against a person based on the danger that person poses to him/ herself, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or to another person (Penal Code § 835a). An “imminent” threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer’s subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a TASER device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or

continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible. The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration). Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.7 SUPERVISOR RESPONSIBILITY

When a supervisor is notified of an incident involving any application of force defined in policy section 300.5.1 (a)-(i), the supervisor shall respond to the incident. The supervisor is expected to:

- a. Obtain the basic facts from the involved officers. Absent suspected misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- b. Ensure that any injured parties are examined and treated.
- c. When possible, separately obtain a recorded interview with the subject(s) upon whom force was applied. If this interview is conducted with a person who is in police custody, a Miranda Admonishment must be given and a waiver of rights obtained prior to any interview. If the suspect(s) invokes either a right to silence or for representation, no interview shall be conducted.
- d. Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- e. Identify any witnesses and insure that all witnesses are interviewed. These interviews should be audio recorded if possible.
- f. Insure that all reports are reviewed and approved by a supervisor.
- g. Determine if there is any indication that the subject may pursue civil litigation, if appropriate the supervisor should complete and route a notification of a potential claim through their chain of command.
- h. Evaluate the circumstances surrounding the incident and complete a Supervisor's Complaint Summary report and forward it to the Professional Standards and Services Division Lieutenant through the supervisor's chain of command if there is a question of policy noncompliance

or if for any reason further administrative investigation may be appropriate.


i. Prepare a Supervisor's Use of Force investigation report. This report shall be attached to the associated crime and/or arrest reports documenting the incident. This report shall be reviewed and approved by another supervisor.

300.7.1 WATCH COMMANDER RESPONSIBILITY

The Watch Commander shall insure that a supervisor responds to all use of force incidents by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

DELETION OF POLICY 300.3.4

Policy 300.3.4 outlining the use of Carotid Control Hold has been **deleted** from Policy 300 and this policy is no longer applicable.



Neil Gallucci, Chief of Police

6-4-20

Date

Carlsbad Police Department

Policy Manual Special Order 2020-04

Pursuant to Carlsbad Police Department Policy 204, this Special Order becomes effective June 18, 2020.

New policy 301 reads as follows:

Countywide Crisis Management Philosophy; Considerations for De-escalation

301.1 PURPOSE AND SCOPE

Law enforcement is guided by the overarching principle of reverence for human life in all investigative, enforcement, and other interactions between law enforcement and members of the community. San Diego County Law Enforcement Agencies are committed to providing peace officers with the training, equipment and resources necessary to encourage peaceful resolutions.

301.2 SAN DIEGO COUNTYWIDE PHILOSOPHY

Every situation law enforcement responds to is unique. When law enforcement is called upon to respond to a crisis or criminal acts, they will if reasonable under the circumstances, use tactics and techniques to persuade the individual to voluntarily comply or mitigate the need to use increased physical tactics to resolve the situation safely. Some situations require an immediate response, while other situations may allow peace officers the opportunity to communicate with the individual, refine tactical plans, and, if necessary, call for additional resources. When reasonable opportunity exists, peace officers should consider the concepts of Pre-Engagement, De-Escalation, and Disengagement, consistent with the definitions provided in this document.

301.3 DEFINITIONS

Pre-Engagement Considerations: Pre-Engagement considerations involve the process of gathering and assessing information prior to deploying the available personnel, tactics, equipment, and other appropriate and obtainable resources. Discretionary time, reactionary distance, communication, and barriers are key objectives to enhance the probability of a peaceful outcome. Self-regulation is a key component to the decision-making process.

De-Escalation: De-escalation is the use of strategies and/or techniques to gain voluntary compliance from an individual in order to gain or maintain control of an incident while reducing the need for physical coercion. These strategies and/or techniques are used to increase time and distance from the individual while attempting to establish effective communication.

Disengagement (Tactical Withdraw): Disengagement is a tactic designed to avoid potentially violent outcomes. Disengagement may be a viable option for individuals in crisis who pose no additional threats to others, or resistant offenders who may later be apprehended under safer conditions.

301.4 DISENGAGEMENT

Anytime peace officers intend to disengage from an incident, they should attempt to advise involved individuals of the withdrawal from the incident. Peace officers should attempt to ensure those involved have had the opportunity to establish a position of relative safety with respect to the incident, and they are aware that officers will no longer be present to protect the safety of the involved persons.

301.4.1 SPECIAL RELATIONSHIP

Under the law, peace officers have no duty to come to the aid of another unless the officers have created a peril or a special relationship exists. However, individual department policies may require an officer to take action under specific circumstances. A special relationship between law enforcement and a person may be created one of two ways. First, a special relationship may be created where the officer makes a representation, either express or implied, that is detrimentally relied upon and causes a foreseeable harm to another person. (For example, no warning was given after an officer promised to warn a person if a prisoner, who had threatened her life, was released and the prisoner murdered that individual.) Second, a special relationship may be created where the officer engages in an affirmative act that increases the foreseeable risk of harm to the individual. (For example, an officer investigating an accident directs an individual to follow him/her to the middle of the intersection. The individual complies, and the individual is hit by a car.) In other words, a special relationship has (1) an aspect of dependency, where one party relies to some degree on an officer for protection, and, (2) the officer has superior control over the means of protection.

Officers should consider special relationship concerns with respect to the handling of an incident, and subsequent decisions to disengage.

301.5 TRAINING

Agencies should include the principles of this Philosophy and the crisis management considerations handout, in regular training evolutions.

Following any significant incident, field supervisors are encouraged to debrief and evaluate the event within the context of this Philosophy and its considerations. The objective of debriefs are for individual and agency development and may serve to augment the capacities of peace officers with the objective of protecting the lives and safety of all persons.


Neil Gallucci, Chief of Police

6-18-20
Date

Police Officers Bill of Rights**CALIFORNIA CODES GOVERNMENT CODE SECTION 3300-3311**

3300. This chapter is known and may be cited as the Public Safety Officers Procedural Bill of Rights Act.

3301. For purposes of this chapter, the term public safety officer means all peace officers specified in Sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.38, 830.4, and 830.5 of the Penal Code. The Legislature hereby finds and declares that the rights and protections provided to peace officers under this chapter constitute a matter of statewide concern. The Legislature further finds and declares that effective law enforcement depends upon the maintenance of stable employer-employee relations, between public safety employees and their employers. In order to assure that stable relations are continued throughout the state and to further assure that effective services are provided to all people of the state, it is necessary that this chapter be applicable to all public safety officers, as defined in this section, wherever situated within the State of California.

3302. (a) Except as otherwise provided by law, or whenever on duty or in uniform, no public safety officer shall be prohibited from engaging, or be coerced or required to engage, in political activity.

(b) No public safety officer shall be prohibited from seeking election to, or serving as a member of, the governing board of a school district.

3303. When any public safety officer is under investigation and subjected to interrogation by his or her commanding officer, or any other member of the employing public safety department, that could lead to punitive action, the interrogation shall be conducted under the following conditions. For the purpose of this chapter, punitive action means any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment.

(a) The interrogation shall be conducted at a reasonable hour, preferably at a time when the public safety officer is on duty, or during the normal waking hours for the public safety officer, unless the seriousness of the investigation requires otherwise. If the interrogation does occur during off-duty time of the public safety officer being interrogated, the public safety officer shall be compensated for any off-duty time in accordance with regular department procedures, and the public safety officer shall not be released from employment for any work missed.

(b) The public safety officer under investigation shall be informed prior to the interrogation of the rank, name, and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. All questions directed to the public safety officer under interrogation shall be asked by and through no more than two interrogators at one time.

(c) The public safety officer under investigation shall be informed of the nature of the investigation prior to any interrogation.

(d) The interrogating session shall be for a reasonable period taking into consideration gravity and complexity of the issue being investigated. The person under interrogation shall be allowed to attend to his or her own personal physical necessities.

(e) The public safety officer under interrogation shall not be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the investigation or interrogation may result in punitive action. No promise of reward shall be made as an inducement to answering any question. The employer shall not cause the public safety officer under interrogation to be subjected to visits by the press or news media without his or her express consent nor shall his or her home address or photograph be given to the press or news media without his or her express consent.

(f) No statement made during interrogation by a public safety officer under duress, coercion, or threat of punitive action shall be admissible in any subsequent civil proceeding. This subdivision is subject to the following qualifications:

(1) This subdivision shall not limit the use of statements made by a public safety officer when the employing public safety department is seeking civil sanctions against any public safety officer, including disciplinary action brought under Section 19572.

(2) This subdivision shall not prevent the admissibility of statements made by the public safety officer under interrogation in any civil action, including administrative actions, brought by that public safety officer, or that officer's exclusive representative, arising out of a disciplinary action.

(3) This subdivision shall not prevent statements made by a public safety officer under interrogation from being used to impeach the testimony of that officer after an in camera review to determine whether the statements serve to impeach the testimony of the officer.

(4) This subdivision shall not otherwise prevent the admissibility of statements made by a public safety officer under interrogation if that officer subsequently is deceased.

(g) The complete interrogation of a public safety officer may be recorded. If a tape recording is made of the interrogation, the public safety officer shall have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The public safety officer shall be entitled to a transcribed copy of any notes made by a stenographer or to any reports or complaints made by investigators or other persons, except those which are deemed by the investigating agency to be confidential. No notes or reports that are deemed to be confidential may be entered in the officer's personnel file. The public safety officer being interrogated shall have the right to bring his or her own recording device and record any and all aspects of the interrogation.

(h) If prior to or during the interrogation of a public safety officer it is deemed that he or she may be charged with a criminal offense, he or she shall be immediately informed of his or her constitutional rights.

(i) Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters that are likely to result in punitive action against any public safety officer, that officer, at his or her request, shall have the right to be represented by a representative of his or her choice who may be present at all times during the interrogation. The representative shall not be a person subject to the same investigation. The representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from the officer under investigation for non criminal matters. This section shall not apply to any interrogation of a public safety officer in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any other public safety officer, nor shall this section apply to an investigation concerned solely and directly with alleged criminal activities.

(j) No public safety officer shall be loaned or temporarily reassigned to a location or duty assignment if a sworn member of his or her department would not normally be sent to that location or would not normally be given that duty assignment under similar circumstances.

3304. (a) No public safety officer shall be subjected to punitive action, or denied promotion, or be threatened with any such treatment, because of the lawful exercise of the rights granted under this chapter, or the exercise of any rights under any existing administrative grievance procedure. Nothing in this section shall preclude a head of an agency from ordering a public safety officer to cooperate with other agencies involved in criminal investigations. If an officer fails to comply with such an order, the agency may officially charge him with insubordination.

(b) No punitive action, nor denial of promotion on grounds other than merit, shall be undertaken by any public agency without providing the public safety officer with an opportunity for administrative appeal.

3305. No public safety officer shall have any comment adverse to his interest entered in his personnel file, or any other file used for any personnel purposes by his employer, without the public safety officer having first read and signed the instrument containing the adverse comment indicating he is aware of such comment, except that such entry may be made if after reading such instrument the public safety officer refuses to sign it. Should a public safety officer refuse to sign, that fact shall be noted on that document, and signed or initialed by such officer.

3306. A public safety officer shall have 30 days within which to file a written response to any adverse comment entered in his personnel file. Such written response shall be attached to, and shall accompany, the adverse comment.

3307. No public safety officer shall be compelled to submit to a polygraph examination against his will. No disciplinary action or other recrimination shall be taken against a public safety officer refusing to submit to a polygraph examination, nor shall any comment be entered anywhere in the investigator's notes or anywhere else that the public safety officer refused to take a polygraph examination, nor shall any testimony or evidence be admissible at a subsequent hearing, trial, or proceeding, judicial or administrative, to the effect that the public safety officer refused to take a polygraph examination.

3308. No public safety officer shall be required or requested for purposes of job assignment or other personnel action to disclose any item of his property, income, assets, source of income, debts or personal or domestic expenditures (including those of any member of his family or household) unless such information is obtained or required under state law or proper legal procedure, tends to indicate a conflict of interest with respect to the performance of his official duties, or is necessary for the employing agency to ascertain the desirability of assigning the public safety officer to a specialized unit in which there is a strong possibility that bribes or other improper inducements may be offered.

3309. No public safety officer shall have his locker, or other space for storage that may be assigned to him searched except in his presence, or with his consent, or unless a valid search warrant has been obtained or where he has been notified that a search will be conducted. This section shall apply only to lockers or other space for storage that are owned or leased by the employing agency.

3309.5. (a) It shall be unlawful for any public safety department to deny or refuse to any public safety officer the rights and protections guaranteed to them by this chapter.

(b) The superior court shall have initial jurisdiction over any proceeding brought by any public safety officer against any public safety department for alleged violations of this section.

(c) In any case where the superior court finds that a public safety department has violated any of the provisions of this chapter, the court shall render appropriate injunctive or other extraordinary relief to remedy the violation and to prevent future violations of a like or similar nature, including, but not limited to, the granting of a temporary restraining order, preliminary, or permanent injunction prohibiting the public safety department from taking any punitive action against the public safety officer.

3310. Any public agency which has adopted, through action of its governing body or its official designee, any procedure which at a minimum provides to peace officers the same rights or protections as provided pursuant to this chapter shall not be subject to this chapter with regard to such a procedure.

3311. Nothing in this chapter shall in any way be construed to limit the use of any public safety agency or any public safety officer in the fulfilling of mutual aid agreements with other jurisdictions or agencies, nor shall this chapter be construed in any way to limit any jurisdictional or interagency cooperation under any circumstances where such activity is deemed necessary or desirable by the jurisdictions or the agencies involved.

Citizens Review Committees on Police Practices & Procedures Survey

City Name	Name of Commission/Committee	Reporting Hierarchy	Meetings	Composition	Purpose and Duties/Tasks or Mission
Anaheim	Police Review Board	City Manager	Monthly	<p>Seven members Members selected using lottery system - one representative from each of Anaheim's six council districts and one representative from the City at-large.</p>	<p>Provide increased transparency; access to information; expand the public's ability to provide feedback on police accountability and allow for greater civic engagement and further increase awareness of police services and operations. Through the City's external auditor, the PRB will review critical incidents; receive real-time notifications of major incidents; review police practices and policies; and serve as an advisory body to the City Manager.</p>
Berkeley	Police Review Commission	City Council	2nd & 4th Wednesdays	<p>Nine members Each council member shall appoint one member to the commission. All members shall be residents of the City of Berkeley. No officer or employee of the City shall be appointed to the commission.</p>	<p>Advise and make recommendations to the public, council and city manager; review and make recommendations concerning all written and unwritten policies/practices/procedures of whatever kind and without limitation relating to the Berkeley Police Department, other law enforcement agencies and intelligence and military agencies operating with the city; receive complaints directed against the Police Department, investigate said complaints and make recommendations relating to departmental policies/procedures to council and city manager; exercise the power of subpoena; adopt rules and regulations and develop procedures for its own activities and investigations as may be necessary; to take testimony under oath.</p>

Burbank	Police Commission		Quarterly	Five members	To initiate studies and surveys in the general field of police science and law enforcement and report its findings and recommendations to the Council; to conduct hearings, investigations, or both, at the request of the Council for the purpose of ascertaining whether additional legislation is needed for the health, safety, peace and welfare of the City and to make findings and recommendations to the Council; To act in an advisory capacity to the Council on policy matters pertaining to the Police Department of the City; To receive complaints, except those relating to traffic engineering, pertaining to the Police Department and law enforcement in general; to examine books, papers, records and accounts in the Police Department, other than confidential matters under investigation.
Chula Vista	Community Advisory Committee	Police chief	No less than twice a year - as needed	13 members Composed of community members that provide a positive influence on the department yet communicate alternative and divergent viewpoints and positions regarding public safety issues and initiatives.	Advises Police Chief on police and community relations to deter and prevent crime and disorder problems; functions as a method of community participation in recommending and reviewing policies, practices and programs to educate the community and assist the department in being more sensitive, effective and responsive; works to encourage and foster citizen participation in community engagement activities; encourages and promotes open communication/cooperation between the department, residents and stakeholders of the city.
Davis	Police Accountability Commission	City Council	Monthly	Nine members (1 UCD student, 1 alternate) Appointment of commissioners is made by the City Council and shall reflect a diverse representation of the community and include members of various ethnicities, racial backgrounds, sexual orientations, economic status, etc. A minimum of two members appointed by council shall have demonstrated previous adverse interactions with the Davis Police Department. No member will have a law enforcement background.	Develop Community Outreach Plan; provide input to audit Police Department policies/procedures/training; recommend changes/improvements to policies/procedures/training; review Independent Police Auditor reports on misconduct complaints; provide input into reports; assess the work of the Independent Police Auditor; when time permits, respond to Davis Police Department requests for input on matters outside Independent Police Auditor/Commission priorities.
Inglewood	Citizen Police Oversight Commission	City Council	Monthly	11 members Composed of residents who broadly represent the diversity of the city. Two commissioners are appointed by the Mayor, two are appointed by each Council Member and one is appointed by the Chief of Police.	Provide a means for prompt, impartial and fair investigation of all citizen complaints brought by individuals against the Inglewood Police Department, and provide for community participation in setting and reviewing police department policies, practices and procedures.

Long Beach	Citizen Police Complaint Commission	City Council	Monthly	<p>11 members Members appointed by the Mayor, subject to confirmation by the City Council. One Commission member shall be appointed to represent each of the nine City Council districts, and two members are appointed at large. Each member of the City Council shall nominate an individual to the Mayor to represent each respective Council district.</p>	Receive, administer and investigate through an independent investigator, allegations of police misconduct; conduct a hearing into those allegations; subpoena and require the attendance of witnesses, production of books and papers pertinent to the investigation and administer oaths to such witnesses; make recommendations concerning allegations to the City Manager; recommend to City Council the provision of staff as is necessary to carry out its power and duties.
National City	Community & Police Relations Commission	City Council	Quarterly	<p>Eight members Appointed by the Mayor with the approval of the City Council. Of the eight members, seven (7) shall be voting members, and one (1) shall be a non-voting member. Of the seven voting members, five (5) shall be residents of the City of National City. The non-voting member shall be a member of the National City Police Officers' Association.</p>	Receive and investigate citizen complaints regarding police conduct; request and receive supplemental information from the Police Department regarding citizen complaints and such other matters as the Commission may be reviewing; allow parties the opportunity to mediate their dispute; make recommendations to the City Council regarding additional duties which the Commission may perform; make an annual report of its activities, findings and recommendations to the City Council.
Oceanside	Police & Fire Commission	City Council	Quarterly	<p>Nine Members (seven regular members & two alternates) Appointed by the Mayor with consent of the City Council.</p>	Acts in an advisory capacity to the City Council on policy matters pertaining to safety, police, fire and other areas wherein the matter of public safety may be of concern; act to mobilize community participation to help find solutions to problems and concerns relating to public safety; make studies, reports, hold hearings and formulate policy recommendations to the City Council on matters relating to public safety; receive and expeditiously act on all special assignments requested by the City Council and submit reports and recommendations to the City Council on these assignments; submit recommended projects to the City Council for possible assignment by the City Council.

Riverside	Community Police Review Commission	City Council	Monthly	<p>Nine members Commissioners appointed by the Mayor and City Council.</p>	<p>Advise Mayor/Council on all police/community relations issues; conduct public education outreach; receive, review and investigate through the Executive Director, complaints filed within six months of date of alleged police misconduct, in writing with commission or any other City office; review and investigate the death of any individual arising out of or in connection with actions of a sworn police officer; conduct a hearing on filed complaints or commission initiated investigations; exercise the power of subpoena to require attendance of witnesses, and the production of books and papers pertinent to the investigation and administer oaths to witnesses and take testimony; make findings concerning allegations contained in the file complaint; review and advise the Police Department in matters pertaining to police policies and practices; submit an annual report of the City Council on Commission activities.</p>
Sacramento	Sacramento Community Police Review Commission	City Council	No less than nine times per year	<p>11 members One member shall be recommended for appointment by each councilmember, and three members shall be recommended for appointment by the mayor. After receiving councilmember recommendations, the mayor shall appoint all members of the commission, subject to the concurrence of a majority of the city council. All members must be residents of the City of Sacramento. No past or present peace officer, or current employee of the city shall be appointed to the commission.</p>	<p>Advise and make recommendations to the City Council regarding police policy, procedures and best practices, including those related to community relations, hiring and training best practices; review quarterly reports prepared by the Office of Public Safety Accountability consistent with California Penal Code section 832.7(c), relating to the number, kind and status of all citizen complaints filed against police department personnel, to determine whether there are patterns of misconduct that necessitate revisions to police policy, practice or procedure. At least annually, report and make recommendations to the Mayor and City Council regarding the activities of the commission and the Sacramento Police Department's efforts to strengthen bias-free policing and community-police relations.</p>

San Diego	Community Review Board	Mayor	Monthly	<p>23 members Composed entirely of volunteers. All members must be at least 18 years of age and reside in the City of San Diego. Applicants are screened and interviewed by a selection committee made up of Board Members and community leaders who make recommendations to the Mayor, who makes all appointments to the CRB.</p>	<p>Review all deaths occurring while a person is in custody; review and evaluate citizens' complaints against the department and Police Department administration of discipline from such complaints; submit semiannual report to the Mayor/City Council concerning evaluation of the department investigation of citizens' complaints; adopt bylaws consistent with the law for the governance of its business/procedures; may maintain a training program for individuals interested in applying to the Board; may refer, if appropriate, a completed citizen complaint investigation to the grand jury, district attorney or other governmental agency authorized by law to investigate.</p>
Tulare	Citizen Complaint Police Review Board	City Council	Monthly	<p>Seven members Five members nominated by individual City Council members subject to approval of appointment by the remainder of the Council. The remaining two members selected at large by the City Council as a whole. Goal of the Council to select board members providing a diversity of ethnic, racial and socioeconomic backgrounds as well as a diversity of geographic representation from all areas of the city. In addition, an eighth, non-voting member shall be appointed by the membership of the recognized bargaining unit representing the sworn employees of the Police Department. The appointee shall be entitled to participate in all aspects of the Board's activities, including reviewing citizen complaint investigations and discussions related thereto, except that the appointee shall not be entitled to vote on any matter before the Board. All appointees to the Board shall be residents of the city.</p>	<p>Receive citizen complaints of alleged police officer misconduct in the form of misuse of force, false arrest, discrimination, criminal conduct, use of racial or ethnic slurs, abuse of authority, extreme discourtesy and/or serious misconduct. Has authority to review the Police Department investigation of all such allegations of police officer misconduct. Board shall further have the authority to make an annual report summarizing its activities and providing statistical information regarding the receipt and processing of citizen complaints of police officer misconduct. The Board is not intended to, nor shall it be invested with authority to, review disciplinary action if any, proposed and/or imposed upon police personnel as a result of the investigation of the citizen complaints.</p>
*County of San Diego	Citizens' Law Enforcement Review Board Rules and Regulations	Board of Supervisors	Monthly	<p>11 Members Nominated by the Chief Administrative Officer and appointed by the Board of Supervisors. Each member shall be a qualified lector of San Diego County and shall possess a reputation for integrity and responsibility and have demonstrated an active interest in public affairs and service.</p>	<p>To increase public confidence in government and accountability of law enforcement by conducting impartial and independent investigations of citizen complaints of misconduct concerning Sheriff's Deputies and Probation Officers employed by the County of San Diego.</p>